

#15681 State v. Ericka Huggins

#15844 State v. Bobby G. Seale

VOLUMES 20 21 22 23 24 25

PAGES 2335 3248

NO. 15681

STATE OF CONNECTICUT

vs.

ERICKA HUGGINS

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 4, 1971

NO. 15844

STATE OF CONNECTICUT

vs.

BOBBY G. SEALE

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 4, 1971

B e f o r e: HON. HAROLD M. MULVEY, Judge
& Jury (12)

A p p e a r a n c e s:

ARNOLD MARKLE

State's Attorney, New Haven County
121 Elm Street
New Haven, Connecticut

CATHERINE G. RORABACK

129 Church Street
New Haven, Connecticut

Representing the defendant
Ericka Huggins

CHARLES R. GARRY, ESQ.

341 Market Street
San Francisco, California

- and -

DAVID ROSEN, ESQ.

865 Chapel Street
New Haven, Connecticut

Representing the defendant
Bobby G. Seale

COURT REPORTERS:

Arthur E. Moan, Jr.
Walter Rochow
David Tilewick

M O R N I N G S E S S I O N

Tuesday, May 4, 1971

(The court opened at 10:08 A.M.)

THE COURT: All set, counsel?

MISS RORABACK: I filed, on behalf of my client, this morning, your Honor, a Motion to Dismiss each of the charges in this case, on the grounds that the State has failed to establish a prima facie case against her.

THE COURT: Do you have those motions, Mr. Clerk?

THE CLERK: Yes, your Honor.

THE COURT: Hand them up to me.

Go ahead, Miss Roraback.

MISS RORABACK: Yes, your Honor.

Preliminarily, I would like to note for the record that my client, as we know, is charged with five different offenses, two by indictment and three under a Substituted Information, as to which Substituted Information Mr. Markle has filed a Bill of Particulars, a Substituted Bill of Particulars, and a second Substituted Bill of Particulars. I think the latter two are the two relevant ones, in terms of what the charges are as against my client.

As your Honor knows, Ericka Huggins is charged in an indictment with aiding and abetting the crime of murder in the first degree, and it's elaborated in the indictment that "...at the City of New Haven, on or about May 18, 1969 through May 21, 1969, the said Ericka Huggins did aid and abet the murder of one Alex Rackley who did die on or about May 21, 1969, in violation of Sections 53-9 and 54-196 of the General Statutes..."

She was secondly indicted on a charge of kidnapping, resulting in death, and that charge reads that she is accused "...of kidnapping at the City of New Haven on or about May 18, 1969 through May 21, 1969 which resulted in the death of one Alex Rackley at the Town of Middlefield, on or about May 21, 1969, in violation of Section 53-27 of the General Statutes..."

Then, in the Substituted Information, there are two conspiracy counts, and I think I will pass those for the time being and only point out to your Honor the one substantive charge in the Substituted Information is the third count, which charges Ericka Huggins with binding with intent to commit a crime, and charges that "...at the City of New Haven, on or about May 18, 1969 through May 21, 1969 the said

Ericka Huggins did bind and gag, with intent to commit a crime on said Alex Rackley, in violation of Section 53-19 of the Connecticut General Statutes.

In connection with that latter charge, your Honor, I would point to Paragraph D. 2. of the Substituted Bill of Particulars of May 21, 1970, which states that "The crimes" which Ericka Huggins is alleged to have "intended to be committed when Alex Rackley was bound, gagged or blindfolded are as follows: Murder or aiding and abetting murder; Kidnapping resulting in death; Conspiracy to kidnap; Conspiracy to murder; and Blackmail."

(Page 2339 follows; no omission.)

Now, if your Honor please, I would submit that on the three substantive charges, there is, No. 1, no proof that Ericka Huggins did the acts alleged and, No. 2, that there certainly is no proof that she had any of the intent necessary to have committed those acts, as that is required under our law.

I have done a rather extensive summary of the evidence in this case as against Ericka Huggins, which is the evidence which Mr. Markle, I believe, could claim is most relevant to these three substantive charges, and I would like to summarize it in brief before I begin to argue the law with regard to the charges.

I believe that in the first place it is alleged, or as Mr. Markle will claim he has proven, that on May 18th, Ericka Huggins woke up Alex Rackley, that at that time she either threw a book to him or at him, and that thereafter George Sams and Warren Kimbro began arguing and beating on Mr. Rackley; eventually, Mr. Rackley was taken downstairs and, according to Mr. Kimbro, it was Mr. Sams who ordered Rackley downstairs, according to Mr. Sams, of course, it was everybody, and downstairs Alex Rackley, while Ericka Huggins was

present, was tied; while downstairs, Mr. Rackley had a noose placed around his neck, as I understood the testimony; and while downstairs, he was beaten, all in the presence of Mrs. Huggins. Thereafter, hot water was brought to the basement. Mrs. Huggins was not present during that particular portion of the proceedings, and she was called downstairs again by Mr. Sams later on and participated in the making of a tape.

Now, I think it important to remember that that tape, which went in evidence, had a number of statements on it and the voice of Ericka Huggins, and was made under the obvious direction and coaching, I believe, of Mr. Sams, Mr. Kimbro -- certainly of Mr. Sams -- and that Ericka Huggins recounted the incident of the boiling water, although she was not present in the basement, so she must have been coached in some manner, she certainly was told to say certain things as the tape went along, and, in essence, the tape, that portion of the tape, on which Ericka Huggins' voice appears, indicates those down there, including Ericka Huggins, that she was, I submit, directed what to say, that she and the others felt that Alex Rackley was a phony, and that he was either a pig or an extreme fool, and there

was a series of questions and answers that went on
after that.

(Page 2342 follows - no omission)

MISS RORABACK: Now, after that period of time Mr. Kimbro and Ericka Huggins went upstairs, and with Mr. Rackley. He was, his wounds were bandaged, and she participated in that bandaging according to Mr. Kimbro, and according to Maude Francis. And then Mr. Rackley was put to bed and told to stay there for the time being, and they went to Hartford -- and I mean, "they," Ericka Huggins, Warren Kimbro, and some others.

There is contradiction in the testimony between Mr. Kimbro and Mr. Sams as to whether a conversation with Landon Williams occurred before or after this trip to Hartford. In any event, both Mr. Kimbro and Mr. Sams testified that Ericka Huggins was upstairs at a time when Alex Rackley was tied up, that she did not participate in that tying, or in any way participate in the discussions about tying Mr. Rackley; that she did not participate in gagging him or binding him. Indeed, there was no testimony at that point that he was gagged, as I remember. I think it's clear she was present, and I think that it's -- the fact of her presence and non-participation is important when I come to the question of the law.

That next day, when Mr. Seale was in town, I

think it's important to remember that there seemed to be no testimony as to Ericka Huggins, except that she was present at various times. She was present at the speech that Mr. Seale gave, she participated in the instruction from Mr. Seale at Battell Chapel, which is certainly not relevant evidence to these charges, and toward the end of the -- or just after the speech she participated in a conversation with Warren Kimbro, according to Warren Kimbro, about finding a place for Bobby Seale to meet with people.

We come then to Tuesday, May 20th, when a conversation -- a phone call came to the premises in the early morning hours. Your Honor, I might point out that although George Sams said that Ericka Huggins was present at the premises when Mr. Seale allegedly came there on early -- in the early hours of May 20th, or the late evening of May 19th, she was not upstairs in any part of that conversation -- if it indeed occurred.

In any event, a phone call came in, Ericka Huggins took a message, it was sent to -- she sent Lonnie McLucas to New York to try to deliver it, and that message was a note which was in this pocket of a jacket, which presumably is the same

note which eventually ended up in evidence, a note which I submit has nothing to do with these charges and merely shows that Mrs. Huggins had, indeed, taken a message and sent it to New York and that it was in this jacket pocket, but certainly does not tie her in any way with the three substantive offenses charged here.

Now, finally, that afternoon again there's a question of whether Mrs. Huggins was or was not present at various events, but even at the very most that can be claimed by Mr. Markle, she may have been present when Landon Williams scolded George Sams for not having Alex Rackley ready to take out. She was reputed by George Sams -- in an amazing bit of memory two years later -- to have engaged in a conversation in a car ride, and said she thought Alex Rackley was an informer at that time. She was present when Landon -- I'm sorry -- Lonnie McLucas said that he was taking Alex Rackley to a bus. She was present when certain phone calls were made, when clothing was arranged for for Mr. Rackley to wear. She was supposed to have gotten some clothing for him.

(Page 2345 follows; no omission.)

MISS RORABACK: She was not upstairs when Mr. Rackley was dressed, and finally, she was present when Mr. Rackley was led out of the house with his hands tied, and a hanger around his neck.

Now, I would submit, your Honor, that -- to come to the first charge in this case, the accessory charge to murder, I know your Honor is familiar with the Statute that any person who assists, abets, counsels, causes, hires or commands another to commit any offense, maybe prosecuted as a principal offender, but what's really important is what the meaning of that language is. I would submit your Honor to sort of a series of cases, State versus Scott, 80 Connecticut, 317, State versus Wakefield, 88 Connecticut, 164, State versus Enanno, 96 Connecticut, 420; State versus Pundy, at 147 Connecticut, 7, and lastly, the Laffin case, 155 Connecticut, 531. All of those cases talk about, in varying degrees, the fact that a mere presence at the, when a crime is actually being committed is not sufficient to convict someone as an accessory under our Statute; that, indeed, I think the general doctrine of our law can best be talked of in terms of the "purposive participation" -- a phrase that was used in one of these cases --

that there has to be a knowing, and a willful assistance, there has to be a plan and a purposeful participation in a plan to consummate the offense, and even mere knowledge -- under Wakefield -- is not sufficient. It has to be that there has to be some positive participation.

Now, here, I would submit that there's nothing in this evidence, your Honor, that would indicate even knowledge on the part of Mrs. Huggins that death might result to Mr. Rackley. Indeed, I think everything points to the opposite. She was present at various times, she was not present at this alleged conversation of Mr. Seale with Mr. Sams; she was not -- she was present when Mr. McLucas says, the taking of Mr. Rackley to the bus station. There is discussion of Mr. Rackley being taken from the house, but certainly that does not add up, taking someone from the house does not add up to a purposeful participation, or the aiding and abetting, the willful assistance, of the crime of murder, which I think our law requires. I would submit, your Honor, that as to that charge, there is no proof whatsoever that Ericka Huggins knew that a murder was to be committed, or indeed,

participated in any manner in the accomplishment of that objective.

Now, I don't know whether you, your Honor wants me to go ahead with each charge?

THE COURT: Sure, go ahead.

MISS RORABACK: I'll break it down?

THE COURT: Complete your presentation.

MISS RORABACK: I'm beginning to get so tired of my voice.

THE COURT: Take your time, relax.

MISS RORABACK: We come next to the charge of kidnapping resulting in death. As to that charge, your Honor, I would like to make a few brief remarks.

The Statute, of course, is an extremely lengthy one. It goes through -- if it's broken down you might have nineteen or twenty different elements that you could consider within that charge. And we have, of course, discussed previously in various motions and arguments on those motions, the essential vagueness of certain of the elements of that charge, and the necessity that that vagueness must be cured in definition of the crime, or else the Statute is constitutionally void.

I'm referring, of course, now, to our Motions

to Quash, and the Motion to Elect, which was argued last year just about this time.

I think, in sum, however, that in order to establish, again, the essential elements of this capital charge of kidnapping, -- and now I'm talking about the indictment and the charge that Ericka Huggins participated in a kidnapping which resulted in the death of Mr. Rackley -- that three really essential elements have to be proven.

The first is that there has to be some form of restraint of a person's liberty.

Now, again, I come back to the fact, assuming that restraint is the tying up of Mr. Rackley -- which was referred to before -- Ericka Huggins, of course, did not participate in that tying up. Although present, she was not the person who did the tying or the restraint.

Secondly, I think that there has to be an intent on her part, and I think that has to be a specific intent. I think that intent has to be the intent of either revenge under the Statute, or some "valuable confession", as the phrasing goes.

Now, there were two points at which this alleged tying up occurred. One was in the basement

during the questioning of Mr. Rackley, and I suppose that Mr. Markle might claim at that time that Mr. Rackley was being restrained with the thought of getting some valuable confession, to wit, this information that he was to give after questioning.

I would submit to your Honor that whether or not that's the case -- and I do not believe that that is the type of "confession" contemplated by our Statute -- that certainly thereafter Mr. Rackley was untied, he was upstairs, he was in bed up there, and he was left there, and I submit to your Honor that by Mr. Markle's own witness, Peggy Hudgins, he was there in the house without any real restraint while all these people were in Hartford. That's not the kind of restraint that I think the Statute would contemplate. And certainly not the kind that would be contemplated in a serious charge as a capital offense.

Now, the second time when this alleged tying occurred was under the, Mr. Rackley was tied to the bed by Landon Williams, and I believe Lonnie McLucas -- I cannot remember the exact testimony on that score -- but in any event, it was not Ericka Huggins who tied him to the bed. She was present.

We come back almost to the words of the accessory statute, the mere presence, the mere knowledge, even silent acquiescence without purposive participation is not sufficient, and all that's shown in all of Mr. Markle's case is the presence of Mrs. Huggins, and the fact that she did not prevent something from happening -- not that she, herself, engaged in the activity.

I would submit, again, your Honor, that there is thus no restraint by her at that time and, indeed, at that time it is difficult to know just what the purpose was. There was some conversation -- not in her presence -- not admitted against her on this substantive charge, only as to the conspiracy charges, some conversation of Landon Williams and Mr. Sams, I believe, that they wanted to keep Mr. Rackley there until Mr. Seale came, and see what Mr. Seale wanted to do, but that's not either "ransom," "revenge," or a "valuable concession."

MISS RORABACK: Now, finally, the only other element of this statute is again the death of Mr. Rackley out in Middlefield, and I would submit to your Honor that once more we do not have any intent on the part of Mrs. Huggins that any such outcome from these unfortunate events would ensue and, for those reasons, I do not think Mr. Markle has established a prima facie case against her for aiding and abetting in the death of Mr. Rackley.

On the third substantive charge, the binding charge, the third count of the Substituted Information charging that Mrs. Huggins bound and gagged Alex Rackley with an intent to commit a crime on him, and that those crimes were claimed to include murder, kidnapping, conspiracy to kidnap, conspiracy to murder, and blackmail, I claim, in the first place -- in the first place, it seems to me important that originally Mr. Markle threw in the book, as I remember it, on the first Bill of Particulars. He had included assault and battery, and that got omitted in the Substituted Bill of Particulars since that was not contemplated within our binding statute since it is a misdemeanor and not a felony.

Now, the fact of the matter again is that Mrs.

Huggins did not bind Mr. Rackley, she did not gag Mr. Rackley, and she was present but she was not the one who did it and she was not the one who effectuated that restraint. To the extent that Mr. Markle may claim that this is part and parcel of the restraint that he is talking about on the kidnapping charge, I would submit to your Honor that the charge becomes merged in a kidnapping charge and should not be dismissed as a separate substantive defense against Mrs. Huggins to the extent that he claims it is something separate, if I do not misunderstand this theory, and perhaps I will understand it better after he has spoken, but the only restraint he is talking about, the only binding and gagging can be the binding and gagging which occurred either in the basement, in which Mrs. Huggins did not participate, or the one which occurred in the bedroom, in which she did not participate, and again for a felony charge of this nature, it seems to me that Mr. Markle has to show something more than mere presence, certainly an intention on the part of Mrs. Huggins would be necessary and I submit that is not here.

As to these three substantive offenses, Mr.

Markle has failed in his burden of proof.

Now, I come to the conspiracy charges and those, of course, are slightly more difficult to discuss only because it is so amorphous. These are found in the first and second count of the Substituted Information filed against Ericka Huggins.

The first of these counts alleges a conspiracy to commit a kidnapping in violation of 53-27 of the General Statutes, and the second alleges a conspiracy to commit murder in violation of 54-197 of the General Statutes. Now, a large amount of evidence was admitted as hearsay in this case -- and I will come to that later, if your Honor does not grant my motion as to these two conspiracy counts -- but I would state, in the first place, that, of course, it is clear law in our State and elsewhere that the conspiracy to commit a crime, the essence of the charge is the agreement, and it does not matter whether that conspiracy has two purposes; one conspiracy with the purpose of kidnapping, and the other a conspiracy with the purpose to murder, if there is but one agreement, there can only be one conspiracy.

Here, again, it is difficult to go through the

evidence.

In that connection, I would cite your Honor State versus Hayes. That's 127 Conn. 543. There is a series of other cases, too.

But, as I said, your Honor, the essence of the charge is this agreement. Now, again, I am at a slight loss to know just what it is Mr. Markle claims is the agreement.

Excuse me a moment.

The agreement, as defined in our law, the agreement necessary to establish a conspiracy is that there must be a mutual purpose to do the forbidden act, a common design, a concurrence of sentiment and cooperative conduct, a mutual understanding or a combination, confederation or agreement, and the cases on that, your Honor, of State -- I can't seem to put my finger on the citation --

THE COURT: 126. That's a Merritt Parkway case.

(Page 2355 follows; no omission.)

MISS RORABACK: The Trumbull case. DeGennaro, Gerich, Devine and, of course, the Hayes case.

There has to be some guilty knowledge on the part of Mrs. Huggins, in the first place, even if Mr. Markle had shown that others agree to do this thing, and I am going to have to take it in separate doses because I am just not sure exactly where the agreement comes in.

The agreement to kidnap, if that is what Mr. Markle charges, until such time as Mr. Rackley was actually tied up in the basement when he was being questioned, I think there is no -- there is no evidence around that I heard of that there was any attempt or agreement to restrain Mr. Rackley of his freedom and, perhaps, those present in the basement might have been claimed to have agreed at that time to restrain his freedom, but I don't think there was any point prior to that time that you could claim a conspiracy.

Secondly, I think it important in this regard when we get to the question of the purpose of the conspiracy that as far as overt acts are concerned, the charge against Ericka Huggins as set forth in the Bill of Particulars, Paragraph C. 4., is that

she participated in the torture, and I assume Mr. Markle meant by that what went on in the basement, and the restraint of Mr. Rackley.

Now, Mr. Markle is claiming that by standing by downstairs and participating in that questioning of Mr. Rackley, she participated in a conspiracy to kidnap him. I think that is stretching both our conspiracy law and our kidnapping law well beyond the ordinary bounds. There must be some guilty knowledge shown. The State must have shown that what she was doing was part and parcel of the general scheme. She must have intended to further its purposes.

Now, I think that by the guilty scheme of sitting in that basement and participating in the questioning of Mr. Rackley but not participating in the restraint of him, that's going a little further than -- not a little further, but many, many steps further than a conspiracy contemplated by our conspiracy law. Moreover, when we get to what occurred upstairs, Ericka Huggins -- after what occurred in that basement, she is, I would submit, a silent spectator as far as the evidence is concerned, except for one conversation with Mr. Sams, which is

not relevant here, a silent spectator to what Mr. Markle claims went on there, and all of the hearsay evidence that came in is not in evidence to permit showing any guilty knowledge on her part. The important thing is whether or not her acts and her own expressions show, number one, a conscious participation and an intentional participation in this alleged conspiracy.

If that is true on the kidnapping charge, then I would submit to your Honor that a conspiracy to murder charge is even more far fetched. How anyone can claim that Ericka Huggins had any guilty knowledge or sufficient guilty knowledge, even if you assume the worst of Mr. Sams⁶ and Mr. Kimbro⁶'s testimony, even assuming the worst, there is certainly not sufficient knowledge here to implicate her as a participant in a conspiracy to murder.

For that reason, I think that those two charges should be dismissed as well.

Thank you, your Honor.

THE COURT: Mr. Markle.

(Page 2358 follows; no omission.)

MR. MARKLE: If your Honor please, very briefly, I am going to ask the Court to deny this.

The claim -- let me start from the beginning. The claim that this woman was a silent spectator, I think was the word that was used, is belied certainly by the tape recording, certainly by her own language on that tape recording, and all your Honor has to do is just recall right from the beginning exactly what she says.

Now, it is Miss Roraback's claim that she was forced to do this. I heard no evidence of this. There was, in fact, a direct refutation of that when she asked Mr. Kimbro whether or not she was forced to do this or coached. She said that there was suggestions made but the suggestions are so minimal that I cannot clear from my mind just that one expression of the silent spectator who, when the victim down in the cellar who has now been tied up and who now had been tortured, went to get up and, according to the testimony, was pushed back and she said, "Sit down, M. F." this is not the action of a silent spectator.

As to the conspiracy, just to get that out of the way in the beginning, she joined, even if, in point of fact, she was a silent participant, she

is still guilty of all the acts that follow --
it is the law of the State.

She was present clearly at the time of the tying of the victim. What Miss Roraback would like to do is compartmentalize each day and then say this doesn't have anything to do with it. What she very neatly forgets right at the beginning is the Saturday night's events with Landon Williams telling Warren Kimbro that Alex Rackley is to remain here, that he is suspect and that George will take care of him. That certainly is relevant on both the conspiracy counts, and the fact that he is then maintained here and kept here, be it by force or decoy, and I think what she either does is forget Maude Francis' testimony as to what took place in her presence and in the presence of Mrs. Huggins, when that 15 year old child was assigned to sleep with Rackley to see if he had any information, that cannot be drifted to one side on either the aiding or abetting or the kidnapping or the binding.

We go on to start at the beginning with the tape and instruction to sleep with Rackley and we end with the admission by Miss Roraback that she did get some articles of clothing for the victim.

You have the aiding and abetting at the very beginning; you have the aiding and abetting at the very end. You have the joining of the conspiracy at the very beginning, and the conspiracy at the very end. Each act is right at the very onset and inception and running through this whole thing is the fact that this is the only Panther in New Haven that's been recognized by the Panther Party, the full-fledged Black Panther that is in New Haven. The message that Miss Roraback would have us discard is quite relevant in that it shows she is in direction and control because she orders Lonnie McLucas to take that message -- the Acting Field Lieutenant of the Black Panther Party is ordered by Mrs. Huggins to take the message, so that message shows association, it shows direction, it shows control, it shows who is in command. Certainly, if it had been the other way around, I don't think that MR. McLucas would have been carrying that message, and that message is again tied into the victim at the very end.

She says the speech at Battell Chapel, the introduction of the speech on the 19th, is of no significance. I would ask your Honor to compare that voice of Mrs. Huggins when she introduces Seale

at the Yale Battell Chapel to her very voice on the tape when that poor victim is being interrogated and see if there is any inflection that differs, other than anger at the victim. So, again, that tape becomes of great significance, the tape that they put into evidence.

MR. MARKLE: The claim that no knowledge that death might result to Rackley: The jury, at this stage, or the Court might not be precluded from believing that when one is led out of an apartment house in the middle of the night with his hands tied behind him, barefoot, with a hanger around his neck -- and if you don't want to take the barefoot, take what Mr. Sams testified to, that perhaps he had shoes on, he wasn't sure -- but, at the very best, your Honor has seen pictures of the victim and there have been no shoes produced, so we can only assume and, therefore, the jury is entitled to assume that the victim is removed with his hands tied behind his back, with a hanger around his neck, with a man carrying a .45, another man carrying a rifle, and she is going to ask you to believe that he is going to the bus station. She, the woman, that had assisted in getting the clothing and, of course, there is running throughout this also the knowledge of the condition of the victim.

She has been up in the room three to four times, by the testimony, and she has seen Mr. Rackley. If you want to tie it down to specific instances, then let's take it when she first went

up to bandage the burns and she saw the condition of the victim then. Then the time she was up there with Landon Williams, at which time it was testified to that the victim then had a fever and was swollen and was weak. Then let's take the occasion -- another one comes to mind immediately when the clothing is brought up and he is led out, a weakened man, a weakened man in a weakened condition, with all of the scars on him, with all of these marks, with the hanger around his neck going to the bus station. We always take people to the bus station in that particular type of condition. She, the Panther, does not have any idea of where he is going and there is no inference that can be drawn from that?

I submit that is just not what the law in this State is, your Honor.

When they talk about Alex Rackley being left on the second floor of the apartment without any restraints on the first day after his torture, first of all, the man had been severely burned, had second degree burns, and there is direct testimony that he was told to remain on that second floor and that security was left on him, so the fact that

he isn't tied up at each stage is really of no significance. He is tied up when he is tortured, he is tied up in that bed, he is tied up at the very minute he is taken out. She knows this and yet there is no knowledge on her part where he is going or what it is that is going to be done with him, in spite of all she has heard, in spite of all the activity in the house.

I don't want to run through everything, your Honor, but it just seems to me that when Miss Roraback says there is no proof of intentional participation under the binding, it is not proven by the tape recording alone. I ask your Honor just to bear in mind exactly what the language was and how unforced her opening of that tape was and how significant it is that not only does she open this tape, the torture of Rackley, but she opens the Seale speech also. She is not a reticent participant in these circumstances.

She leaps in and says, "He kicked me, you know, discombobulated the whole office and began to cry real tears. We then stood him up in the middle of the floor and asked him what his name was..." She constantly uses the term, "we." "...we asked him

again to read because we knew that he was lying." She goes on to say that he was taken down to the basement for a while and then he came back up and, "it was decided he should leave the house but we decided..." This runs throughout, your Honor.

I don't want to bore the Court, but it is not without significance that throughout that whole opening she talks about what she did and/or what we did, and when Miss Roraback says she had no knowledge or did not participate, by her own admission, nobody asked her to say, "On May 17th at approximately ten o'clock, Brother Alex from New York was sleeping in the office, that is a house that we use as an office, and I kicked him..." That is by her own voice, by her own language. That is really the beginning of the end of Alex Rackley. If we just forget what happened with Maude Francis, that is really the beginning of the end for Alex Rackley.

In all of these stages and in all of these counts, she has participated, and I would submit, your Honor, at this stage, the case has been proven.

end tk.

(Page 2366 follows; no omission.)

THE COURT: Miss Roraback.

MR. MARKLE: Are you going to argue?

Your Honor, when Mr. Rosen gets up, I would like to make an objection before --

THE COURT: This is on Miss Roraback.

MR. MARKLE: I didn't realize she was going to rebut.

THE COURT: This is only on Miss Roraback.

MR. MARKLE: I understand that, your Honor. I hadn't seen her get up.

THE COURT: All right.

MISS RORABACK: You know I would get up, Mr. Markle.

I must say I was listening with some interest to what Mr. Markle said, because I am still at a loss, I had hoped perhaps he would explain to me what the conspiracy was, what he has proven what the agreement was, what Mrs. Huggins' purpose and participation in it is, and I was also hoping that he would show me in some way why she should be held on two capital offenses for the evidence -- on the basis of the evidence that he introduced here, and I have yet to understand it, quite frankly.

Now, he talks a good deal -- he used words like

"assume," then he used other words, "clear implication," or something, but the "assume" part of it I do object to. Obviously, I don't think we can assume that certain things happened.

I would also like to point out to your Honor that Mr. Markle said Mrs. Huggins had been up in the room three or four times. I think that's inaccurate, and I think that if Mr. Markle checks his facts more carefully, he will find that it's inaccurate, that Mrs. Huggins was up there at the time of the bandaging, that she was, according to the testimony, up there at a time shortly after that when Mr. Rackley had some fever. There is no other evidence that Mrs. Huggins was ever in that room again, and I read the transcript rather carefully to determine whether or not that was the case.

Now, furthermore, he talks -- he speaks about a conversation between Landon Williams and Warren Kimbro, that Alex Rackley is to stay in New Haven. Now, I would remind your Honor that that evidence was admitted, hearsay evidence admitted, only subject to connection and would be inadmissible to establish any agreement in this case. That was

not a conversation which Mrs. Huggins was present, and it was specifically admitted only on the basis of a hearsay declaration in furtherance of a conspiracy, not the agreement itself. I specifically refer your Honor to Page 987 of the transcript on that score.

Mr. Markle also refers to Maude Francis. Now, I think it's interesting to note that Maude Francis was the one who said it was George Sams, -- although Ericka Huggins was present at the time -- it was George Sams who ordered Maude Francis to sleep with Mr. Rackley, and it was George Sams who directed her to do so; and, also, there is no evidence to indicate that Ericka Huggins knew how old Maude Francis was. In fact, I believe Mr. Markle's own witness, Margaret Hudgins, testified that everybody thought she was eighteen or nineteen years old.

I would also just point out for the record that, of course, Mr. Markle made references, several references, to the tapes at Battell Chapel. I would not interpret them in the same manner he did, but, also, I would like to point out that those are not exhibits in the Ericka Huggins case, they are exhibits in the Bobby Seale case, and were played as

such.

Also, this business of Ericka Huggins being in direction and control and being the only Panther in New Haven, it seems to me George Sams testified Warren Kimbro was the Deputy Chairman in charge of New Haven, that Lonnie McLucas was a lieutenant, that Ericka Huggins was there, but he did not give her any role, other than being present and someone who he was introduced to.

Now, also, this business of Ericka Huggins ordering Lonnie McLucas to take this message to New York, I am not sure that that's the evidence, but my best memory is that a message came in and Ericka Huggins asked Lonnie McLucas to take it down. The word "order" is one I think Mr. Markle would like to impute into this in order to try to build up the role and position of Mrs. Huggins in this whole matter. She was there in that basement and, as I said, have said repeatedly throughout this trial, it may be that she participated in an assault, in the way that an accessory might have been charged with participating in an assault. I think that's what the tapes might establish, but, of course, Mr. Markle, with all of the various charges he has seen

fit to throw at Mrs. Huggins, never bothered to charge her with an assault, and I think it's significant that that's not the case here; that she is charged with two capital offenses and three non-capital offenses, on the basis of evidence which, at most, is highly thin, and I think on an ordinary reading calls for dismissal of the charges, and I urge your Honor to grant my motion.

THE COURT: Anything further, Mr. Markle?

MR. MARKLE: No, sir.

THE COURT: Counsel, I don't disagree with the cases cited. As a matter of fact, on the charge of conspiracy, you say everything that I say, but there are questions of fact the jury must decide. I tell them what the law is, and they have these facts before them; they are sufficient for them to get the questions to decide. I think there are sufficient facts and they may also draw inferences -- I give them a charge on that, too, -- but I think there is a prima facie case, and the law, as you have stated it, is the law in this State; but the factual situation is the jury's province, not mine, and, of course, I tell them that, too; so I will deny your motion.

MISS RORABACK: If your Honor please, --

THE COURT: Yes, Miss Roraback.

MISS RORABACK: I am asking the question not to be rearguing, but I would appreciate knowing whether your Honor is making the ruling that you are making on the theory that as to each of these charges, there are either lesser included offenses as to which the jury might make a finding, or, in the case of the kidnapping and binding charges, whether your Honor is saying, "Well, evidence that Mrs. Huggins was an accessory would be equivalent of

evidence that she was the principal."

I don't know whether you understand what I am trying to get at or not.

THE COURT: I don't.

MISS RORABACK: She is charged as an accessory under the murder charge.

THE COURT: That's right.

MISS RORABACK: She is not charged as an accessory on the kidnapping charge.

THE COURT: That's right.

MISS RORABACK: There are a number of lesser included offenses in that kidnapping Statute.

Now, ---

THE COURT: A number?

MISS RORABACK: Well, a few. I remember your Honor's charge in the McLucas case, and it seems to me we kept coming down on a couple of things there.

As to the binding charge, there is -- I assume that your Honor can charge that she could either be found guilty, on the basis of the evidence, or as an accessory, and I would submit, your Honor, what I was arguing was that the charges, as they appear in the two indictments and the information, have not been substantiated by the evidence, and what I am asking is whether your Honor is ruling

against me as to those charges, or whether the ruling is, in essence, that the lesser included offenses --

THE COURT: I see what you are driving at now.

No, I am holding that based on the charges made, that there is sufficient evidence so that the jury should decide the questions.

Now, of course, there will be, as far as the charge is concerned, lesser included crimes which, of course, is routine; but, your question, I am holding that on the charges made, there is sufficient evidence for the jury to decide the questions of fact.

MISS RORABACK: Finally, your Honor, I would renew my Motion to Quash one of the conspiracy charges, on the grounds that nothing I have seen in this evidence can establish two separate agreements, that it must be one agreement, therefore, it can only be one charge of conspiracy, even though there may have been two purposes or two objects as to the conspiracy, and for that reason, I think it's unfair to Mrs. Huggins to compel her to have two separate conspiracy charges submitted to the jury, and I would renew my Motion on that score.

THE COURT: What do you say to that, Mr. Markle?

MR. MARKLE: I thought --

THE COURT: -- if you have anything?

MR. MARKLE: I thought your Honor already ruled on it.

I would ask the Court --

THE COURT: Well, she is renewing it.

Do you have anything you want to say?

MR. MARKLE: No, sir.

THE COURT: I will deny your motion.

MISS RORABACK: May an exception be noted on all --

THE COURT: An exception may be noted.

All right. Now, do you have any further motions, Miss Roraback?

MISS RORABACK: There was a large amount of hearsay evidence as against my client, not as much as I thought there would be when I started off talking about it last week, and I would like to move that that hearsay evidence be stricken.

I could give your Honor the pages and the references to what --

THE COURT: All right.

MISS RORABACK: Does your Honor have a transcript?

THE COURT: No, I do not.

MISS RORABACK: Mine might be slightly beaten up.

THE COURT: You can refer to it, and I will refer to my notes.

MISS RORABACK: Now, in the first place, Pages 390 to 401 of the transcript, there is testimony about a gun being placed in a drawer of a table in Mr. Kimbro's apartment, and that this gun went off, and that eventually it was removed from there, Mr. Kimbro took it out of that drawer and put it downstairs, and he had some conversation with Mr. Hithe concerning that. All of that was outside the presence of my client, and I think that has no relevance to any of the charges here, and I would ask that that be stricken.

Secondly, there are the conversations between Warren Kimbro and Landon Williams which, I believe, appear somewhere around 406 to 409 of the transcript, as to which Mrs. Huggins -- to which Mrs. Huggins was not a party. If your Honor remembers, these occurred outside the house, at the car, and is the conversation which Mr. Williams is alleged to have told Mr. Kimbro that he wanted Alex Rackley kept in New Haven. I would submit that those are hearsay as to my client and predate any agreement of which she had knowledge, and that that should be stricken.

Page 421 of the transcript, George Sams re-

putedly told Mr. Kimbro to put a gag on the witness and -- I mean, on Alex Rackley, and this was a time when Ericka Huggins was not present in the basement, and I would move that that be stricken as well.

There is a lengthy bit of evidence, Pages 953 to 961, concerning a questioning of George Edwards which, I submit, is irrelevant and also should be stricken, because it is not germane to the charges in this case. I believe it was admitted only subject to connection, and I would submit it should not be in there.

Furthermore, Pages 979 to 981, there was a conversation between Mr. Williams and Mr. Hithe and Mr. Kimbro and Mr. Sams in the basement, when they were listening to these tapes. I would move that that be stricken, my client was not present, and it's not relevant to the charges.

Page 987, there was a conversation between Landon Williams and Warren Kimbro about taking Bobby Seale to Ericka Huggins' house, at which my client was not present, and I would ask that that be stricken.

Pages 991 to 995, there is a description of

an event in conversations when Warren Kimbro took June Hilliard, Rory Rithe and some other person to Orchard Street from the Ericka Huggins' apartment, and conversations upstairs with Alex Rackley and so forth, and my client was not present at those, and I would ask that all of those be stricken.

end tk.

(Page 2379 follows; no omission.)

MISS RORABACK: And Page 1049. This was the point at which Alex Rackley was being, was dressing, was being dressed, and he was, according to the evidence, was described as being "shaky" and wanted to sit down, and Landon Williams wouldn't let him. My client was not present at that time -- it may go on to 1050 -- that my client was not present, and I would ask that that be stricken as being highly prejudicial to her and not relevant to her. There is no knowledge shown on her part.

Now, Pages 1059 and, all of the events that occurred once Mr. Sams and Mr. McLucas and Mr. Rackley and Mr. Kimbro had gone out to the car, and I believe that Landon Williams was alleged to be out there, and there's conversations, there's description of events, none of which occurred in the presence of my client, and I would claim that all of that should be stricken.

Page 1620, the report of Maude Francis to George Sams; it seems to me -- as to what had happened the night before, made outside the presence of my client -- should be stricken.

And again, in the case of George Sams' testimony, Page 1683, there's discussion of

conversations in New York City between Landon Williams and George Sams. I believe that occurs, again, at 1699. Again, conversations in New York City outside the presence of my client, that tapes should be made, and some alleged conversation that Williams told Sams, at Page 1700, that he thought Alex Rackley was a "pig." I reclaim that all of that should be stricken.

Now, again, Pages 1706 to 1709. It's a conversation in the basement. This, I believe, is on the evening of May 19th -- no, I'm sorry -- May 18th, or perhaps on some point at May 19th. In any event, it's conversation in which my client is not present. It's a conversation that occurred between Landon Williams, George Sams, Warren Kimbro, and Rory Hithe, after they'd been upstairs in this bedroom and Landon Williams had, according to George Sams, bawled him out up there for what had happened for Alex Rackley in the basement. He says he was only "kidding." This occurred outside the presence of my client, certainly was not something that she had any knowledge of, and I would submit should be stricken as to her.

Again, there's a long conversation alleged

between Landon Williams and George Sams about the situation in New York City that went on from 1711 to 1716, and Kimbro and Hithe were alleged to have been present at that time, but my client was not there, and I would object to, and ask that that be stricken as not being relevant to any of the charges here, and made outside of her presence.

Finally, I would again move that the conversations alleged to have occurred between Mr. Seale, Landon Williams, Rory Hithe and -- no, Mr. Seale, Landon Williams, George Sams and Mr. Rackley at the house at Orchard Street, which occurred outside the presence of my client and appear at Pages 1721 to 1725 of the transcript, should be stricken as being highly prejudicial to my client, and certainly not anything of which she had knowledge, or was ever shown to have had knowledge, and should be stricken.

Now, finally, your Honor, there is some evidence at 17 -- Pages 1744 to 1747. Again, the conversations, which occurred after this group had left the house at Orchard Street on that evening of May 21st or the early morning -- no, May 20th or the early morning of May 21st and gone to Middlefield; and I ask that those conversations be stricken.

THE COURT: Mr. Markle?

MR. MARKLE: I would say, your Honor, that at the time it came in, it was admitted, and it's all relevant, and I ask your Honor not to strike it.

What she is talking about, if your Honor please, if she objected at the time your Honor had me offer it only subject to connection. I think it's all relevant to the conspiracy, and if she made no objection at that time she waived it, so I think it would be relevant.

MISS RORABACK: Might I say for the record I've only spoken to portions which I did make objection.

MR. MARKLE: Then I would claim that your Honor admitted it subject to connection. I claim it's connected.

THE COURT: That's what I wanted to clarify.

Now, these instances that you cite, are ones which you did make an objection and it was admitted solely on the conspiracy counts?

MISS RORABACK: Yes, your Honor, and subject to connection.

THE COURT: Yes. All right, anything further, Mr. Markle?

MR. MARKLE: No, sir.

THE COURT: I'll deny your motion.

No. 1, I think you're protected when you objected to my ruling on the original admission. No.2, to cull through the seventeen, or eighteen hundred pages of transcript at this stage, and expect me to tell the jury to ignore this and -- I made my ruling initially on its admission, and I think you're fully protected.

MISS RORABACK: Well, I might say, your Honor, that I realize you made your rulings initially. I think that to expect the jury to understand it -- it was one of the points we made at the time, that to try to raise the issue later on was going to be difficult, and I think it's unfortunate it was admitted subject to connection because I would submit that some of this was not ever connected, and it is prejudicial to my client, and it will be impossible for the jury to straighten it out.

THE COURT: You have your exceptions.

MISS RORABACK: Thank you, your Honor.

THE COURT: All right.

Do you have anything further, Miss Roraback?

MISS RORABACK: No, your Honor.

THE COURT: Well, why don't we take our morning break and then I'll take you up, Mr. Garry.

We'll have our morning recess.

(Whereupon, at 11:15 A. M., a recess was held.)

(Page 2385 follows - no omission)

(The court reconvened at 11:35 A.M.)

THE COURT: All set, Mr. Garry?

MR. GARRY: Yes, your Honor.

MR. MARKLE: If your Honor please, before they begin, can I put on the record that there is no way I know -- your Honor is probably going to tell me to stop it, but I want to preserve the State's rights here. In this particular instance they have opened their case by putting in speaking exhibits and I would respectfully submit to this Court that they have no right to make a motion such as this at this stage, because they have put in these exhibits, and that's in essence the same as having put on witnesses, live witnesses.

MR. GARRY: I would like to know what statute or what case counsel is citing, because I have checked it and I find no cases that have any such rules.

MR. MARKLE: It's a Motion to Dismiss, your Honor. He's making a Motion to Dismiss having already offered his evidentiary record. I don't know a case or a citation, it's the law.

THE COURT: It's a rule.

MR. GARRY: It's a what?

THE COURT: That's the rule; unless you rest?

MR. GARRY: You say, it's the rule?

THE COURT: Sure.

MR. GARRY: What rule is it? I wasn't able to find any such rule.

THE COURT: The rule in a case when you put on evidence, unless you rest you can't move to dismiss.

MR. GARRY: Well, in the Federal Court, in the State Courts --

THE COURT: This is a State Court.

MR. GARRY: -- I say, in the State Courts all of the -- I checked it and I found no rule, I found no cases to support that kind of a motion and if there is one I'd like to see it.

THE COURT: Well --

MR. GARRY: It was with that thought in mind that I proceeded to put on my cross-examination.

THE COURT: -- well, I'll hear your motion anyway. But insofar as I know, when you put on evidence then you are not entitled to a Motion to Dismiss until you finish your evidence. You either finish it, or you rest.

MR. GARRY: I'm not resting.

THE COURT: Well, I didn't think you were.

But at the time, I'm frank to say, I was a little surprised when you put those exhibits in at that time. You could have marked them for identification and put them in in your main case, but you didn't. You put them in as full exhibits. Miss Roraback very carefully did not join you.

Isn't that so, Miss Roraback?

MISS RORABACK: Yes, your Honor.

THE COURT: Well, I'll hear your motion, both of you.

(Page 2388 follows; no omission.)

MR. ROSEN: The motion is to dismiss each of the four charges against Mr. Seale on the basis that the State has not made out a prima facie case.

This is the time, I think, to make that motion. To carry that point just one step further, because whether or not for purposes of aiding cross examination, Mr. Seale has put in exhibits, nevertheless the State still had the burden of putting on, as part of its own case, evidence sufficient to justify going to the jury.

Now, they finished their case. That's why we are making the motion at this time, because this is the time they've finished.

THE COURT: But, you haven't.

MR. ROSEN: That's right.

THE COURT: Do you mean you could stop any time you want -- since you want to discuss it further -- you mean you could stop at any time after any particular witness that you put on, and make a motion to dismiss, and then if that's denied, put on another witness and then make a motion to dismiss again --

MR. ROSEN: The motion --

THE COURT: -- without resting?

MR. ROSEN: -- the motion that we are making is not based on anything that we claim to have shown through our exhibits or our witness.

THE COURT: But you have put in exhibits, that's the point.

MR. ROSEN: Yes, we have, but this motion speaks to the case, or in this instance, the lack of a case, that the State has put on as part of its evidence, and that's why we are doing it at this time.

It wouldn't be proper to interrupt the defense case to make that motion, but now we are not, we are not interrupting anything; we are speaking to the evidence which the State has presented as its case. I think it's a legitimate motion at this time.

Well, I'll set forth the grounds for it --

THE COURT: Go ahead.

MR. ROSEN: -- because the points that Imade may come up again, if your Honor doesn't think they are properly made now, and I think they are important to put on the record in any case.

Mr. Seale has been charged, to start with, with

kidnapping and conspiracy to kidnap. Those charges did not have any real basis behind them at the time they were made. They still don't. They are just the wrong charges.

No evidence that the State has presented has shown Mr. Seale counseled, aided, assisted, procured, hired, commanded anyone to kidnap anyone else. The point, it's just not, it's not what their evidence was about.

Their evidence, such evidence as they had which referred to Mr. Seale, did not refer to kidnapping, it was talking about some other things, some other things that he was supposed to have been involved in, and the kidnapping, it's a case which in the, which, in New Haven, in this time, they have presented evidence that may tend to show that somebody kidnapped somebody else, but Mr. Seale's connection has to be on the basis of some evidence presented through some witness. There hasn't been evidence through any witness relating Mr. Seale to either, as a principal, or as charged as an accessory to kidnapping anyone. There just hasn't been any evidence of it, and I don't know what evidence to point to because none of the evidence points to the

kidnapping.

Mr. Sams' story is not a kidnapping story. So the kidnapping should not be in this case. It should be, it shouldn't have been in this case at the beginning if Mr. Markle knew what his evidence was going to show, and it should not be in the case now. We should not have to defend a charge of kidnapping Mr. Rackley. It's a capital charge, also. And what Mr. Seale is supposed to have done to kidnap Mr. Rackley, or to tell other people to kidnap Mr. Rackley, -- well, it's not, it's not anywhere in the case. It's not anywhere in front of the jury. It's not in front of your Honor, and the jury should not have to worry about the charge when it comes time for them to decide it.

The same is true of conspiracy to kidnap. No agreement relating to kidnapping has been testified to with regard to Mr. Seale. I'm not talking now about sufficiency of evidence. What I am referring to is the presence or absence of a scintilla of evidence as to a conspiracy to kidnap with respect to Mr. Seale and the person allegedly kidnapped by him, Alex Rackley.

The Bill of Particulars in our case talks about

Mr. Seale conspiring to kidnap Rackley in order to gain information from him, Mr. Seale conspiring to decoy Mr. Rackley into the State of Connecticut, and there is no evidence of that -- period, -- relating to a conspiracy to kidnap. I don't know how else to say that so I'll go on to the other two charges, which are murder, and conspiracy to murder.

(Page 2393 follows - no omission)

MR. ROSEN: In those cases, we have testimony of Mr. Sams. The ordinary rule, as your Honor undoubtedly is aware, is that when evidence is presented, it presents a question for the jury and the jury is in charge of the facts. That's true, but the Court still has a burden in extreme cases, such as this one, where the evidence is so unreliable, where it's so contradicted, where it's so thin, the Court has a marginal supervisory power over the facts to keep a case like this one, or a witness like this one, from going to the jury.

Now, in this connection, your Honor is familiar with the two witness rule in Connecticut. I am not arguing on the basis of the two witness rule, but the point here is that the State has all its witnesses on one side contradicting the story of its star witness, Mr. Sams. Warren Kimbro testified that as far as he was concerned, the event did not take place. Kimbro has pleaded guilty to second degree murder. Kimbro, very importantly, is the person who shot Alex Rackley. It's not just a question of a bystander. Kimbro is the principal, and Mr. Seale is charged with being the accessory. The very principal, the man who did the shooting,

denies that he got his orders from Mr. Seale, and that that puts Sams' story in a somewhat different light than would be the ordinary uncorroborated story of someone who has pleaded guilty as an accomplice.

Along those lines, we have, as witnesses, the State's other witnesses, Peggy Hudgins and Maude Francis, who were supposed to be there at the time, or the various times that have been testified to, that Mr. Seale is supposed to have engaged in these activities that Sams so poignantly described. They don't corroborate the story, but their failure to corroborate -- failure to corroborate strengthens the fact that the very man, the very man who is charged as the principal in this crime, denies that he got his orders from Mr. Seale. So that undercuts this and that takes the case away from the jury, and that means that Sams, who says that he was there and out in the swamp with Kimbro, has passed the level at which his story can be accepted, which his story can be sent to the jury.

In that regard, I would like to refer briefly to the only other evidence which has any connection with the murder and conspiracy to murder charges,

which is the evidence of County Detective Mr. Pastore. I suppose the purpose of offering his evidence was for corroboration of Sams' story. Nevertheless, Sams knows and knew that Mr. Seale didn't come into the house right after the speech, because there were all these other people in the house after the speech, and he told us what he said to them, he told us about his conversation with them, and he told us about sending them out to go look for a little girl, and he had a very clear memory of the whole thing, and he said then they all left, and it was sometime after the speech that Bobby Seale came into the house, around 12:30. He knows it couldn't have been 11:20. Sams knows that, because he knows what was happening at 11:20, he was there, they were having -- it was a Chapter meeting, it was a full house. So, he knows it wasn't then, and he doesn't say it was then, and Pastore's testimony cannot be used to make Sams say something that he doesn't say. It can't be used to make Sams say that, "Oh, it was really after the speech, and this thing I was talking about, about having the big meeting with a lot of people, telling them to look for the little girl, never happened."

So it is not a question of corroboration when Pastore is involved with whatever the ordinary credibility problems with those two witnesses is.

Finally, with regard to examining the evidence, the State really put on two separate cases. They put on the case of Warren Kimbro's testimony; that case was that Bobby Seale was guilty because he didn't go to the house, he didn't want to go to the house, said Kimbro, and Kimbro did not say -- Kimbro said somebody else said to Kimbro that Bobby doesn't want to go to the house, he doesn't want to do this or doesn't want to do that. That's the case where he is guilty, because he didn't go to the house, and it does not support the case that he is guilty, because he did want to go to the house. The two -- they are cases riding along on two separate tracks and neither of them gets out of the station, and there is just no evidence for either of their cases, when you put the two of them together -- and the cases were tried -- the two cases were being tried in the same courtroom -- they add up to -- well, they don't add up to anything. They don't add up to enough for a jury to be permitted to consider them because of this Court's

supervisory power.

Now, I have but one final point on the conspiracy to murder -- on the murder charge, which is that Mr. Seale was charged in the indictment of August 27th with aiding and abetting murder in the first degree, and the person who shot Mr. Rackley has pleaded guilty to murder in the second degree. If Mr. Seale may be charged as a principal in the crime that's been committed, but the crime that's been committed, according to the proceedings that have gone on, was, at most, second degree murder, and for that reason alone, it's improper to charge Mr. Seale with first degree murder, when the very people who either say -- or, in the case of Mr. Kimbro, who don't say that Mr. Seale had anything to do with the murder are charged with murder in the second degree.

So, for all of those reasons, on the four charges, two of them just have no relevance to the evidence produced against Mr. Seale, two of them are supported by evidence as to which this Court should exercise its power to keep incredible and unsubstantiated and slanderous accusations away from the jury in extreme instances like the one we

have here, and that's the basis of the Motion to Dismiss.

THE COURT: Mr. Markle.

(Page 2399 follows; no omission.)

MR. MARKLE: Well, your Honor, there is really not too much to rebut here. This is a question of fact for the jury, and I submit that the jury is entitled to listen to the evidence. The fact that we put on two witnesses, or three witnesses, that maybe contradicted each other in points regarding the events doesn't mean that there is not a reasonable or rational explanation. I would suppose that if everybody dovetailed, they would claim we manufactured the evidence, if we fit each nick into each nick.

They say that Mr. Kimbro denies -- he never said he got his instructions from Seale, but there is no denial of the end, just before he fired the shot into the victim, he said that they were told to "ice him," that these were "orders from National," and it seems to me, your Honor, that what we are talking about is when did he join the conspiracy. I think the evidence is clear. Whether or not he was seen at the house. I think the evidence is clear. The jury is entitled to consider that.

It's not without significance that Kimbro said when he went to Huggins' apartment, that he did not see Seale at the crucial time, and I think the jury

is entitled to consider that and to go into that, and for all of those reasons, your Honor, I ask this motion also be denied.

THE COURT: Mr. Rosen.

MR. ROSEN: Nothing further, your Honor.

THE COURT: I am going to deny your motion, counsel.

MR. ROSEN: For the record, your Honor, is that ruling based on the untimeliness of the motion, or also on your view of the evidence?

THE COURT: The motion cannot really be entertained for the reason that the defendant has put in evidence, but even if it was timely and properly made, in the opinion of this Court, there is sufficient evidence to support the State's case, so that this Court should not interfere with the jury's prerogative of deciding the factual situation.

MR. ROSEN: Well, we will take an exception on both, or either of those.

THE COURT: Exceptions granted.

Anything further, counsel?

MR. ROSEN: Yes.

I would also like to make a motion to strike

two categories of evidence entered so far.

First is all that evidence which was introduced as hearsay, subject to connection, hearsay on the conspiracy charges, with respect to Mr. Seale.

Without enumerating all that evidence, there was a large mass of the evidence, a large mass of that was timely objected to by Mr. Garry, and was introduced on the conspiracy counts, subject to connection. I don't think that evidence has been adequately connected, and I move that it all be stricken.

THE COURT: Mr. Markle.

MR. MARKLE: I frankly don't think it can be done this way, your Honor, but I would object.

I claim it all came in subject to connection, and it has been connected.

THE COURT: Anything further?

MR. ROSEN: Well, I should also perhaps put in the second part of the motion, which is that other evidence, non-hearsay evidence, which came in, subject to being connected, on all of the counts, the substantive and conspiracy counts, it has not been properly connected, and I move to strike any evidence concerning events which took place before 5:50 P. M. on May 19, 1969, and any evidence which

took place after 5:20 A. M. on May 20, 1969, on the grounds that Mr. Seale was not there, and that it's irrelevant to him, it's prejudicial to him, and has not been properly connected to any activities or allegations made against him.

THE COURT: Mr. Markle.

MR. MARKLE: I have nothing further, your Honor.

THE COURT: I will deny your motion.

I think that they have been sufficiently connected to establish a prima facie case insofar as the conspiracies are concerned.

Counsel stated their objections for the record at the time that the evidence was offered, and, therefore, are protected.

MR. ROSEN: We take exception.

THE COURT: Exception may be noted.

Anything further?

MR. GARRY: Yes.

MISS RORABACK: It's not a motion, your Honor, but I think that we feel we would like at least two hours or so with our clients, if we might, preparatory for tomorrow.

THE COURT: 2:00 o'clock?

MR. GARRY: I would say 2:30, your Honor.

THE COURT: 2:30, all right.

And you will take care of the lunch arrangements?

MISS RORABACK: Yes, your Honor.

THE COURT: All right, clear the courtroom so that counsel can have a conference with their clients.

(The court adjourned at 11:55 o'clock, A. M.)

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MAY 9, 1971

& Jury (12)

State's Attorney, New Haven County
121 Elm Street
New Haven, Connecticut

129 Church Street
New Haven, Connecticut

Representing the defendant
Ericka Huggins

341 Market Street
San Francisco, California

- and -

865 Chapel Street
New Haven, Connecticut

Representing the defendant
Bobby G. Seale

Arthur E. Moan, Jr.

Walter Rochow

David Tilewicz

M O R N I N G S E S S I O N

May 5, 1971

(The court opened at 10:05 A. M.)

THE COURT: All set, counsel?

MISS RORABACK: Yes, your Honor.

MR. MARKLE: Yes, sir.

THE COURT: Call the jury.

(Whereupon, at 10:05 A. M., the jury was
called.)

THE COURT: Good morning, ladies and gentlemen.

All right, Miss Roraback?

MISS RORABACK: Mr. Gouthier, please.

C R A I G S T A N L E Y G O U T H I E R,
of 311 West Fifth, Donaldsonville, Louisiana,
called as a witness on behalf of the defendant
Huggins, having been duly sworn, testified as
follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Mr. Gouthier, did you formerly live in New Haven?

A Right.

Q And were you living here in the spring of 1969?

A Yes, I was.

Q Where did you live at that time?

A At that time I lived at, I, I think it was 215
Lilac Street. I'm not sure what the exact address is.

Q In New Haven, itself?

A Right.

Q And do you have any family, Mr. Gouthier?

A Right; I have a wife and two kids.

Q Now, at that time, in the spring of 1969, I call
your attention specifically to -- well, question withdrawn.

 In the spring of 1969, were you, in any way,
involved in any activities of the Black Panther Party?

A Yes, I was.

Q And what were you doing at that time?

A I was sort of a trainee, you know, going through training as a, to become a member of the Black Panther Party.

Q And what did your training consist of, Mr. Gouthier?

A Selling papers, helping with the Breakfast Program, helping with putting up posters, and things like that.

Q And did you attend any classes, or any studies?

A I went to P. E. Class, right.

Q When you say P. E., you're talking about "Political Education" Class?

A Right.

Q Now, directing your attention to the middle of May, on a Saturday, Mr. Gouthier, did you attend any functions of the Black Panther Party at that time?

A Right. I went to a P. E. Class that was held at Yale.

Q At Yale? And can you tell me, if you remember, just what was, what happened at that class?

A Well, we had P. E. Class, and we talked about ideology of the Black Panther Party, you know, what we were, what was the Black Panther Party all about and their ideology.

Q Mr. Gouthier, I show you something that has been marked Defendant's Exhibit 1 for Identification, and ask you

if you recognize that (handing to the witness)?

A Right. That's the Ten Point Program of the Black Panther Party.

Q And was that part of what you were discussing that day?

A Right.

Q That Saturday?

A Right.

MISS RORABACK: I would offer this as a full exhibit at this point, your Honor.

MR. GARRY: I join in that, your Honor.

MISS RORABACK: You want to examine it, Mr. Markle?

MR. MARKLE: I thought it was already in. I have no objection.

THE COURT: For identification only.

MR. MARKLE: I have no objection.

THE COURT: All right. In both cases.

(The document referred to, previously marked as Defendants' Exhibit 1 for identification, was received in evidence as DEFENDANTS' EXHIBIT 1.)

BY MISS RORABACK:

Q I also show you, Mr. Gouthier, what has been marked here as Defendants' Exhibit 2 for Identification, and also State's Exhibit B, and ask you if you recognize that (Handing

to the witness.)

A Right. This is sort of the rules of what to do when you get arrested, what not to carry on you, what not to do, you know. Sort of rules of the Party.

Q And did you discuss those rules that day, if you remember?

A Right, right.

MISS RORABACK: I'd also like this marked as my exhibit, as well as the State's, your Honor.

THE COURT: Is that marked as a State's exhibit?

MISS RORABACK: Marked as a State's exhibit.

THE CLERK: "B."

THE COURT: "B"?

THE CLERK: Yes.

THE COURT: All right. It's already in the case. You're offering it?

MISS RORABACK: Well --

THE COURT: It was marked for identification in your --

MISS RORABACK: That's correct, your Honor, that's Exhibit 2 for Identification.

MR. GARRY: It was in as an exhibit for me and for Mr. Seale, and only for identification.

THE COURT: For identification. Then the State offered it as a full exhibit so it's in evidence already.

You can refer to it any time you want.

MISS RORABACK: All right, your Honor.

Now, before I proceed, Mr. Gouthier, I'd like, with the Court's permission, to read Exhibit 1 --

THE COURT: Surely.

MISS RORABACK: -- to the jury.

(Page 2411 follows - no omission)

MISS RORABACK: "October 1966, Black Panther Party Platform and Program.

"What we want, what we believe.

"1. We want freedom. We want power to determine the destiny of our Black Community.

"We believe that black people will not be free until we are able to determine our destiny.

"2. We want full employment for our people.

"We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the white American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

"3. We want an end to the robbery by the CAPITALIST of our Black Community.

"We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules was promised 100 years ago as restitution for slave labor and mass murder of black people. We will

accept the payment in currency which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million black people; therefore, we feel that this is a modest demand that we make.

"4. We want decent housing fit for shelter of human beings.

"We believe that if the white landlords will not give decent housing to our black community, then the housing and the land should be made into cooperatives so that our community with government aid, can build and make decent housing for its people.

"5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present-day society.

"We believe in an educational system that will give to our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else.

"6. We want all black men to be exempt from military service.

"We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

"7. We want an immediate end to POLICE BRUTALITY and MURDER of black people.

"We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self-defense.

"8. We want freedom for all black men held in federal, state, county and city prisons and jails.

"We believe that all black people should be re-

leased from the many jails and prisons because they have not received a fair and impartial trial.

"9. We want all black people when brought to trial to be tried in court by a jury of their peer group or people from their black communities, as defined by the Constitution of the United States.

"We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all-white juries that have no understanding of the 'average reasoning man' of the black community.

"10. We want land, bread, housing, education, clothing, justice and peace. And as our major political objective, a United Nations-supervised plebiscite to be held through the black colony in which only black colonial subjects will be allowed to participate, for the purpose of determining the

will of black people as to their national destiny.

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long

established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

And then at the bottom, in large caps, "Survival, pending revolution. All power to the people."

(Page 2417 follows; no omission.)

end tk.

MISS RORABACK: I'd just like to pass that among the jury.

(Defendants' Exhibit 1 was handed to the jury by Miss Roraback.)

THE COURT: All right, Miss Roraback.

BY MISS RORABACK:

Q Now, Mr. Gouthier, after this political education class that you went to on that Saturday, did you have occasion at any time after that to meet someone named George Sams?

A Right.

Q And when was that, if you know?

A That was the next day, which was a Sunday.

Q And had you ever met Mr. Sams before?

A No, I hadn't.

Q And where did you meet him?

A I met him at the headquarters of the -- the Black Panther Party headquarters.

Q Is this 365 Orchard Street?

A Right.

Q Can you tell me, you know, just what happened there?

A Well, I went to the office, like I usually do before I go to work, in the afternoon, and I was met at the door by this guy who said his name was George Sams. So he asked me what I wanted at the office, and I told him that I was a member in training and I wanted to come in, you know, to get

some papers. So he let me in. I walked in to the kitchen and started counting out some papers that I knew I could sell that afternoon, so during that time, I sat at the kitchen table and started talking with him. He started asking me did I know the Ten Point Program and various things like that.

Q And anything unusual happen in the course of that conversation?

MR. MARKLE: I'm going to object, if the Court please.

That's leading, "anything unusual happen."

THE COURT: I will allow it.

Go ahead.

THE WITNESS: One thing that happened was, I was wearing some sun shades that he wanted, you know, and I told him he couldn't have them, so he got really upset and said that I could get another pair, you know, and I still, you know, told him he couldn't have them, and so he said -- he dropped the subject after a while.

After, he walked into the other room, where a girl was cleaning up, and he was yelling at her about cleaning the floor and things like that. Then he came back in and he asked me would I take him for

a ride in my car, because he had been in the office all day and he wanted -- I told him I didn't have time, because I had to go to work at 3:30; and then I hung around for, I guess, about another twenty minutes or so, and there was a man that came to the door and, you know, he wanted to come in, and George Sams walked over to the door and he pulled out this gun that he had stuck in his shirt.

BY MISS RORABACK:

Q You say "stuck in his shirt." How was it, do you know? Had you seen it before that time?

A Yes, but I didn't -- you know, he had a T-shirt on, and he had it pulled over, and this brother wanted -- this brother said that he had just come in, and he had been in prison, and he wanted to talk to someone in the Party, and George Sams told him that they didn't have time to mess around with any crazy niggers, to get out, and the guy kept insisting he wanted to come in and talk to someone, so, finally, after George Sams had the gun on the guy and told him to get out, the guy finally left, and then he came back into the office.

Q Did you say anything to George Sams after that?

A Well, after -- I went back to the kitchen table, and I was gathering up the papers I was going to take. He asked me again about the ride in the car, and I told him I

didn't have time and I had to leave, so, finally, he dropped the subject, and I left.

Q Now, you know who -- well, question withdrawn.

Was there anyone else there in the house who saw these or heard these conversations and saw this incident about this man at the door?

MR. MARKLE: I'm going to object, if the Court please.

She can ask who was present, but I don't know how he can tell what they saw or heard.

MISS RORABACK: I will ask who was present.

THE COURT: Why don't you reframe it,

Miss Roraback?

MISS RORABACK: Right.

BY MISS RORABACK:

Q Who was there in the house when you were there that Sunday?

A Well, the girl -- Loretta Luckes, I think her last name is, was there, Rose was there, and I think Lonnie was there, and Peggy.

Q Now, did you ever see George Sams again after that?

A I saw him the night of Chairman Bobby's speech. I saw him that night.

Q Was that the next day after this --

A Right.

Q -- day you just described?

A Right.

Q And where did you see him at that time?

A Well, at that time -- this was after the speech.

I saw him in the house, in the office.

Q And before the speech, where had you first -- that afternoon, had you gone to the office at all?

A That afternoon?

Q Yes, before the speech.

A Before the speech?

Q Yes.

A Yes. I went to the office before the speech. Most of the people who were in training or in the party at that time were at the office before the speech.

Q And do you remember who was there at that time?

A Well, Lonnie was there, and Peggy, and George came in afterwards.

Q You say "George." Are you referring to George Sams?

A No. I didn't see him there at that time.

Q Someone named George, other than Mr. Sams?

A Right. And that's about all I could remember.

Q Can you tell me approximately how many people were there, if you remember?

A There were a lot of people. The people whose name I called, I know them. There is a lot of people there I didn't know, that were from other places.

Q Now, where did you go from there?

A From there, we went over to Battell Chapel.

Q And did you take anything with you to Battell Chapel?

A Right. I, myself, took a tape recorder with me.

Q And where did you find that tape recorder?

A Well, they usually -- the tape usually was sitting under the window in the living room, and that's where I picked it up, because Warren Kimbro told me to make sure that I take the tape over, because they wanted to tape the speech.

Q And could you tell me what size tape recorder this was, or what type it was, if you remember?

A Well, it was a tape, you know, I guess about 12 inches by 24 -- that's how big it was -- and it was the kind that you plug the mikes into the side and you have two reels.

Q Separate speakers for it?

A I don't remember, because the cover covered the whole tape.

BY MISS RORABACK:

Q Mr. Gouthier, I have sitting here next to the Clerk's desk a gray object. Can you tell me whether you recognize that?

(Object shown to witness.)

A The tape that we had looked something like that. I can't be positive that that's the tape.

MISS RORABACK: Might it be marked for identification, if your Honor please, as an exhibit in our case.

THE COURT: It may be marked.

MR. GARRY: For both, your Honor.

THE COURT: All right.

That would be 13 in the Huggins' case, and 18 in the Seale case.

(A tape recorder was marked as DEFENDANT HUGGINS EXHIBIT 13 FOR IDENTIFICATION and DEFENDANT SEALE'S EXHIBIT 18 FOR IDENTIFICATION, respectively.)

BY MISS RORABACK:

Q Now, you said that you took a tape recorder that looked something like that, the Defendants' Exhibit for Identification, to Battell Chapel?

A Yes.

Q Whereabouts did you take it in Battell Chapel, do

you remember?

A Well, there is a corridor in the back of the audience seating. We had tables and things set there for selling the posters and papers and buttons and, apparently, someone else had a tape. We didn't use this tape. We put it under the table of these different posters and things and I left it there.

Q You say, "We." Who else did it with you?

A Well, Lonnie was with me.

Q That's Lonnie McLucas?

A Right.

Q Incidentally, Mr. Gouthier, how did you get to Battell Chapel?

A In my car.

Q When you got there, do you remember where you parked your car?

A Yes, I parked my car directly in front of the church on, I guess, it's College.

Q Is that at the corner of College and Elm Streets, but you were on College Street?

A Right.

Q And did there come a time when you left that meeting at Battell Chapel?

A Right.

Q Do you know when that was?

A Well, we left immediately after the speech was over. Everyone picked up the posters and, you know, different things, and myself and a group of other people piled in my car and we left.

Q Where did you go from there, Mr. Gouthier?

A Well, one of the guys in the car wanted some ice-cream so we stopped on the corner and he just jumped out and bought an ice cream, and then we went on to the office.

Q That's 365 Orchard Street?

A Right.

Q When you got to 365 Orchard Street, did you park your car at that time?

A Right.

Q How did you approach the premises at 365 Orchard Street, from what direction did you come?

A From the direction of Chapel.

Q So that as you were approaching 365 Orchard Street, that was on the right-hand side of you, is that right?

A Right.

Q And did you park your car there?

A No, I had to park my car on the other side of the street because there is no parking there.

Q Well, how did you get to the other side of the

street?

A Well, I turned around in the driveway right at the end of 365 Orchard and backed out and parked directly across the street from 365.

Q Now, when you parked your car there, you say directly across the street, could you describe for the jury just what sort -- how 365 Orchard Street looks from the street side?

A Well, where my car was parked, I could see there is an archway that goes under to go into the office. I could see right in the archway, you know, and there is a brick pillar that comes straight down right in front of you and you can't -- all you can see is the steps and things that are in there that go to different doors.

Q Mr. Gouthier, I show you what has been marked State's Exhibit A. It has various other markings on it. I withdraw that. What has been marked Defendant's Exhibit 15 in Case No. 15844 and Exhibit 11 for Identification in 15681, and ask you if you recognize what that is?

(The witness was shown the exhibit.)

A That's the apartment complex that's 365 Orchard Street.

(Page 2427 follows; no omission.)

MISS RORABACK: I would like this marked in my case as well as a full exhibit at this time.

THE COURT: No objection anywhere along the line?

MR. MARKLE: I have no objection.

THE COURT: It is already a full exhibit in the Seale case.

(A photograph previously marked as Huggins' Exhibit 11 for Identification, was marked as HUGGINS' EXHIBIT 11 in evidence.)

BY MISS RORABACK:

Q Mr. Gouthier, would you just, for the benefit of the ladies and gentlemen of the jury, stand up and point out for them -- perhaps go up near the jury box there -- where you were parked in relationship to that building and the entrance shown there?

THE COURT: You are referring to Exhibit 11 in your case?

MISS RORABACK: Yes.

(The witness stood in front of the jury box.)

THE WITNESS: I was probably parked right behind this car here. That's here. There is a driveway here. And there is a driveway behind this car, so I was probably parked right behind that car but in

front of the driveway.

BY MISS RORABACK:

Q When you said you were directly across the street from the entrance, could you identify what you referred to on Exhibit 11 as the entrance?

A This is what I call the entrance, this archway here.

(Indicating)

Q This is in sort of the center between the two buildings, is that correct?

A Correct.

(The witness resumed the stand.)

THE COURT: May I see that?

MISS RORABACK: Of course, yes. I'm sorry.

(Exhibit handed to Court.)

MISS RORABACK: Excuse me just a moment, your Honor.

THE COURT: Sure.

MISS RORABACK: If your Honor please, at this time, without going through each of the photographs individually, I would like to have admitted as full exhibits in the Huggins case, the exhibits which were marked for identification previously in the case and were marked as full exhibits in the Seale

case. For the record, they are Exhibits Nos. 6, 7, 8, 9, 10 and 12 for Identification in Case No. 15681.

THE COURT: Any objection?

MR. MARKLE: No, sir.

THE COURT: All right, 6, 7, 8, 9, 10 and 12 are full exhibits. 11 is already one.

(Photographs previously marked as Huggins' Exhibits 6, 7, 8, 9, 10 and 12 for Identification, were marked as HUGGINS' EXHIBITS 6, 7, 8, 9, 10 and 12 in evidence.)

BY MISS RORABACK:

Q Now, Mr. Gouthier, you say you got back to the office and went in and the entrance was through that archway, and inside that archway, can you describe what it looks like there at Orchard Street?

A When you walk in, there is wooded steps that are made with concrete behind it that you walk up into the door, and there is places for flowers and things like that all in the courtyard.

Q So that there is sort of a courtyard and there are various entrance steps?

A Yes.

Q And can you tell me where in relationship to that

entrance is the entrance to Apartment B-13, where the office was?

A From the archway, it's about three or four steps.

Q And then there are steps that go up?

A Right.

Q And you want in there at that time, into the office?

A Right, I went straight into the office.

Q And when you got in there, who was there, if you remember?

A Well, George Sams was there. Right after I got in there, Warren Kimbro came behind me and came in. There were a few kids from -- that I knew from Hartford. I didn't know their names but I knew they were from Hartford. That's mostly who I remember was there.

Q Now, what happened after you were there inside the house?

A Well, after I got inside of the house, I guess about five or ten minutes after I was there, George Sams was telling everyone that a lady had called about her kid being lost and they wanted everybody to go out and find her. Before I could leave, Warren came over and asked me not to leave, that he wanted me to take him somewhere.

Q So you stayed there at the office?

A I sat down in the living room and read papers.

Q And approximately how long were you there, if you remember?

A I guess I was there about 45 minutes, 35, 45 minutes.

Q During that period of time, did you see anyone else enter the house or leave the house?

A There were other people who came in, and by the time they could get in the door, George Sams was sending them out to supposedly hunt for the little girl that was lost.

MR. MARKLE: May I have that read, your Honor.

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

Q And during that period of time while you were there at 365 Orchard Street, did you see my client, Mrs. Huggins?

A No.

Q Did you see Mr. Seale?

A No, I didn't.

Q And you said you were there approximately three-quarters of an hour. Where did you go after that?

A Well, after that Warren asked me, would I take him somewhere? And I said, "Yeah." So, after I sat there for about forty-five minutes, he came out and he said, "Are you ready to go?" And I said, "Yeah." So he said, "Okay, let's go." And so I walked out of the door and went and got in my car. And about, about minutes later he came out and got in the car, and he directed me to where he wanted me to go.

Q Do you know where that was?

A I didn't know, you know, where we were going. After we got there I knew it was a place that's in the Hill area.

Q And when you got there -- wherever this was -- what happened then?

A Well, Warren told me to wait in the car. And so I waited in the car, and he went into this apartment houses, and I was just sitting there waiting for him to come out.

Q Did he eventually come out?

A Right.

Q Approximately how long was that?

A I guess it was, I guess forty-five minutes or so.

It was a long time because I remember making a phone call during the time he was there inside.

Q Is that somewhere in the immediate vicinity of your car that there was a telephone?

A Right, right across from my car.

Q And then, where did you go after that?

A After that he came out and we left this place. And he said, "Don't go back the same way you came." And I said, "Okay," because some cars were following us. So we went back in around about way to the office.

Q To the office?

A Right.

Q That's on Orchard Street?

A Right.

Q Did you go in there again?

A No, I dropped him off, and then I left.

Q Now, did you ever see George Sams again after that?

A No, I didn't.

Q And did you form any impression as to Mr. Sams?

MR. MARKLE: I'm going to object to it. Did

he answer?

THE REPORTER: No, Mr. Markle.

THE COURT: Just, "Yes" or "No."

THE WITNESS: Answer the question?

MISS RORABACK: Yes.

THE COURT: It may be answered "Yes" or "No."

Do you want the question read?

THE WITNESS: Yes.

BY MISS RORABACK:

Q You did? And can you tell me what that was?

MR. MARKLE: I'm going to object, if the Court please.

THE COURT: The grounds?

MR. MARKLE: Because, I think, number one, it's no part of my direct, and secondly, this witness has only seen him on two occasions, your Honor, and there is no basis to form an opinion.

THE COURT: Well, what -- your question is -- Read that question.

(The pending question was read by the court reporter.)

THE COURT: No, the one before that.

(The court reporter complied.)

THE COURT: I should have sustained the objec-

tion to that question. I'll sustain the objection to this question. Narrow it down, it's much too broad.

MISS RORABACK: Right.

BY MISS RORABACK:

Q Did you form any opinion as to Mr. Sams' sanity?

MR. MARKLE: I'm going to object to that.

THE COURT: Sustained.

MISS RORABACK: If your Honor please, I would claim it on Hayes versus Candee, 75 Conn. 131.

THE COURT: Take your exception.

MISS RORABACK: May exception be noted?

THE COURT: Exception may be noted.

MR. GARRY: I join in that, if your Honor please.

THE COURT: An exception may be noted for you, too.

BY MISS RORABACK:

Q Incidentally, Mr. Gouthier, did you have any idea who Mr. Sams was when you saw him there at the premises?

A He told me that he had come to New Haven to set up security for Chairman Bobby Seale.

Q And did he say anything about whether or not he was a member of the Black Panther Party?

MR. MARKLE: I'm going to object, if the Court please. This is pretty leading. Why doesn't she just testify?

MISS RORABACK: I'm just following your example, from the State's case.

THE COURT: Oh, Miss Roraback.

I think you can ask him what conversation he had with him. Why don't you rephrase it and do it that way.

BY MISS RORABACK:

Q What conversation did you have with him, Mr. Gouthier, about -- about what he was doing there?

MR. MARKLE: Can we have when this conversation was, and where?

MISS RORABACK: In the first place --

THE COURT: Well, pin it down. I'll let it stand and then ask when and where it was.

MISS RORABACK: May it be read?

(The last question of Miss Roraback was read by the courtreporter.)

A Well, the conversation started from his asking me about myself, where I'd come from. How long I had been in the

Party? Did I know the Ten Point Program? And so I asked him, you know, where did he come from? And he said that he had come here to set up security for Chairman Bobby's safety.

Q Did he say where he had come from?

A He said he had come from the West Coast. He says, "I'm here from the West Coast to set up security for Chairman Bobby's safety."

Q And did you have any discussions about the Black Panther Party itself?

A Well, we talked about, like I said we talked about the Ten Point Program --

MR. MARKLE: I'm going to object, if the Court please. We have covered this.

MISS RORABACK: Well, can I --

THE COURT: Well, I'll allow it.

A -- and I recited some of the ten points to him. He asked me, what kind of work did I do? I told him what kind of work that I did, and he said that that was the only way a brother could make it, by going out for himself. And sort of things like that, you know, and I thought -- I felt that --

MR. MARKLE: I'm going to object as to what he felt, your Honor.

THE COURT: Sustained.

BY MISS RORABACK:

Q Well, in his actions, which you witnessed, Mr. Gouthier, did you feel -- question withdrawn.

Was it your opinion that he was a "good Panther," shall we say?

MR. MARKLE: Objection, your Honor.

THE COURT: It's not pertinent here, is it? I'll let it be answered. I'll overrule the objection.

A My opinion of him being a good Panther, I didn't think he was a good Panther.

MR. MARKLE: That can be answered "good" or "bad." We don't need an explanation.

THE COURT: No speeches. Did you have an opinion as to whether or not he was a good Panther, that's the first question.

THE WITNESS: Yes.

THE COURT: You have an opinion?

All right.

BY MISS RORABACK:

Q And what was that opinion?

A That he wasn't a good Panther.

THE COURT: All right.

BY MISS RORABACK:

Q And on what did you base that opinion?

A On --

MR. MARKLE: I'm going to object, if the Court please.

THE COURT: I'll sustain the objection.

MISS RORABACK: May an exception be noted, your Honor.

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q What did he do that made you feel he was not a good Panther, Mr. Gouthier?

MR. MARKLE: I'm going to object, if the Court please.

THE COURT: Sustained.

MISS RORABACK: Exception.

THE COURT: It may be noted.

MR. GARRY: I'll take an exception to that one, and the one before that.

THE COURT: Exception may be noted for you, too.

end tk.

(Page 2440 follows; no omission.)

BY MISS RORABACK:

Q From what you observed, Mr. Gouthier, of Mr. Sams' actions, can you tell me whether or not his behavior was rational or irrational?

MR. MARKLE: Objection, your Honor.

THE COURT: Sustained.

MISS RORABACK: Exception, your Honor.

THE COURT: Exception may be noted.

MR. GARRY: I take exception.

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q By the way, Mr. Gouthier, I do not believe I asked you this. You said that Mr. Sams had pulled out a gun at one point from under his shirt?

A Right.

Q Speak audibly. Is that correct?

A Right.

Q Can you tell me what sort of a gun it was?

A It was an Army .45.

Q Mr. Sams, I show you -- I'm back at it again.

My apologies.

Mr. Gouthier, I show you State's Exhibit Q and ask you if you recognize that? (Indicating)

A Yes. That's the gun Sams had.

Q And that's the gun he took out that day, on that Sunday, is that right?

A That's right.

Q And in what manner did he use that gun when he was talking to this man at the door?

MR. MARKLE: I'm going to object to that.

THE COURT: You've covered that, haven't you?

MISS RORABACK: Well, he said he pulled it out, your Honor, and I was asking him a more detailed question.

THE COURT: All right, go ahead.

Overruled.

THE WITNESS: Well, he pulled the gun out from under his shirt and he told -- he pulled, you know -- with a .45, when you put the clip in, you have to pull it back for the bullet to go into the chamber, and that's what he did, he pulled it out and pulled it back, and he told the brother -- he asked the brother what did he want and, you know, was sort of fanning the gun around, telling the guy to get out of the office. (Indicating)

BY MISS RORABACK:

Q You had been around that office a number of times up until that time, is that correct, Mr. Gouthier?

A That's right.

Q Had you ever seen anyone behave in that manner before in that office?

A No, I haven't.

Q Incidentally, do you have any idea who this person was who had come to the door at that time?

A The only thing I knew about him was what he said, he had just been released from prison, and he wanted to talk to someone in the office.

Q Have you ever seen him since, as far as you know?

A I have seen him around New Haven since, but I haven't been able to -- I never talked with him.

MISS RORABACK: I have no other questions, your Honor.

THE COURT: Mr. Garry.

MR. GARRY: Mr. Gouthier, I have a few questions to ask you.

I have got a series of pictures here, if your Honor please, I am going to put in for identification at this time.

THE COURT: All right.

MISS RORABACK: Mark them in both cases.

THE COURT: How many are there, Mr. Garry?

MR. GARRY: I didn't count them.

THE CLERK: Six, your Honor.

(The photographs referred to were marked as
DEFENDANT SEALE'S EXHIBITS 19 through 24, and
DEFENDANT HUGGINS' EXHIBITS 14 through 19 FOR
IDENTIFICATION, respectively.)

CROSS EXAMINATION BY MR. GARRY:

Q Mr. Gouthier, while the Clerk is so kind to mark
these for identification, you have discussed the facts of
this case with me as of yesterday afternoon?

A Right.

Q And you discussed them in the office of Miss Roraback?

A Right.

Q And together we went to the scene, did we not?

A That's right.

Q And you showed me where you had parked your automobile --

A That's right.

Q -- on that occasion when you came back from hearing
Mr. Seale speak?

A That's right.

Q Up until yesterday afternoon, had you ever met me
before?

A No, I haven't.

THE COURT: These are 19 through 24 in the Seale

case and 14 through 19 in the Huggins case.

BY MR. GARRY:

Q Mr. Gouthier, I am going to show you some exhibits for identification, beginning with 19. I'm going to show you 19 first, and does that depict -- the automobile that's in there, does that depict where you had parked your automobile on the night of the 19th of May, 1969? (Indicating)

A Yes.

Q And that automobile that's parked there in that exhibit for identification, that's directly in front of the building itself?

A That's right.

Q When I say "building," we are talking about the archway?

A That's right.

Q And as you sit there, that archway -- there is a pillar in the center, is that right?

A Right.

Q Not in the center, but at least it's on one side?

A Right.

Q And your eye was directly across that pillar, is that correct?

A That's correct.

Q That's where you showed me yesterday, is that

correct?

A Right.

Q Now, you were driving what type of an automobile?

A '55 Chevy.

Q And what color was that car?

A It was green.

(Page 2446 follows - no omission)

Q And would you tell the Court and jury the approximate length of that '55 Chevrolet?

A I guess approximately fourteen, fifteen feet.

Q Now, directly in front of your automobile, where you were parked there, there was a driveway, was there not?

A That's right.

Q And behind you there was also a car, an automobile, parked, isn't that correct?

A Right.

Q And you had the only space when you drove in there?

A Right.

Q Outside of the driveway, which was open, is that correct?

A That's right.

Q Now, Mr. Gouthier, does this picture reflect the actual approximate scene where your automobile was, as you would look at it from across the archway on the right-hand side of the -- rather on the left-hand side of the -- strike that. Let me start over again.

Does this picture depict the scene in and around where you parked your automobile? (Indicating)

A Right.

MR. GARRY: At this time, if your Honor please, I am going to offer 19 into evidence on

behalf of Mr. Seale.

THE COURT: A full exhibit.

Show it to counsel.

MR. GARRY: 19 in my case, 14 in Miss Roraback's.

THE COURT: 19.

Are you making the same offer, Miss Roraback?

MISS RORABACK: Yes, your Honor.

THE COURT: All right.

MR. MARKLE: I have no objection to 19, your Honor.

THE COURT: No objection?

MR. MARKLE: No, sir.

MR. GARRY: I would like to pass this one to the jury at this time, if I may, your Honor.

THE COURT: Surely.

(Defendant Seale's Exhibit 19 for Identification and Defendant Huggins' Exhibit 14 for Identification were received in evidence as DEFENDANT SEALE'S EXHIBIT 19 and DEFENDANT HUGGINS' EXHIBIT 14, respectively.)

(The exhibit was handed to the jury by Mr. Garry.)

MR. GARRY: I would like to have a blackboard, if I may.

I would like to do some drawing on it.

THE COURT: You want to do some drawing?

MR. GARRY: Yes.

THE COURT: The blackboard is available for the witness, but not you. You are not a witness, Mr. Garry, you are the attorney.

The witness can draw, if you want him to.

MR. GARRY: Well, I will do whatever the Court wants me to do.

THE COURT: It's not what the Court wants you to do. It's the rule.

MR. GARRY: Whatever your rules are here.

THE COURT: You can't testify.

What do you mean "here"? You are the attorney, you can't testify.

MR. GARRY: That's not true, your Honor, I can --

THE COURT: You can't in this state, Mr. Garry. I have just said it flatly, you may not.

MR. GARRY: I understand.

THE COURT: The witness may testify, not you, and drawing is the same as testifying, it's equivalent. If you care to --

MR. GARRY: If that's the rule of this State, I will abide by it, your Honor.

THE COURT: It's the rule in all jurisdictions,
as far as I know.

BY MR. GARRY:

Q Now, --

THE COURT: Do you want the blackboard for
the witness?

If you do, it's available. Let me know.

BY MR. GARRY:

Q Do you think you could draw the area?

A Right.

MR. GARRY: Okay, then I would like to have it
for him.

THE COURT: Bring the blackboard in.

BY MR. GARRY:

Q Now, Mr. Gouthier, when you drove, as you have indicated in your previous direct testimony, you were parked in the place where it's indicated in Defendant's Exhibit 19. As you drove in there and parked, you went into the premises at 365 Orchard Street. Was there -- were there any automobiles parked on the wrong side of the street at that time?

THE COURT: Hold it a minute until we get the
noise straightened out.

Now, the last question is what?

(The last question by Mr. Garry of the witness

was read by the court reporter.)

THE COURT: You may answer.

THE WITNESS: No, there weren't any other cars parked there.

BY MR. GARRY:

Q And when you returned from the premises with Mr. Kimbro, approximately around midnight, were there any automobiles parked on the wrong side of the street on Orchard Street?

A I think there was one or two.

Q One or two?

A Yes.

(Page 2451 follows; no omission.)

Q Now, were there any automobiles directly in front of the archway when you returned?

A No.

Q Now, Mr. Gouthier, I wonder if you would be kind enough to draw the area, including where 365 Orchard Street is, the archway, and where you had your automobile approximately parked, where the picture is, and also the driveway?

THE COURT: Don't you have photos?

MR. GARRY: Beg your pardon?

THE COURT: Don't you have a whole series of pictures?

MR. GARRY: Yes, I sure do.

THE COURT: What is the point of having it on there?

Can he point it out in the picture?

Well, do it any way you want, but if you have all those pictures --

MR. GARRY: Let me think about it a minute.

THE COURT: -- it seems to me it would be better to have him explain the picture to the jury, stand right in front of the jury.

MR. GARRY: Well, may I offer the rest of these exhibits for identification?

THE COURT: You mean you are offering them as full exhibits?

MR. GARRY: Yes.

THE COURT: All right.

That would be 19 in your case, 19, 20, 21, 22, 23, and 24.

19 has already been marked.

I take it you are joining in the offer?

MISS RORABACK: I join in the offer, your Honor.

THE COURT: All right.

MR. MARKLE: I have no objection, your Honor.

THE COURT: All right.

They are all full exhibits now, 19 through 24 in your case, and 14 through 19 in the Huggins case.

(Defendant Seale's Exhibits 20 through 24 for Identification and Defendant Huggins' Exhibits 15 through 19 for Identification were received in evidence as DEFENDANT SEALE'S EXHIBITS 20 through 24 and DEFENDANT HUGGINS' EXHIBITS 15 through 19, respectively.)

BY MR. GARRY:

Q I show you here, Mr. Gouthier, Exhibit No. 24, and that depicts what? (Indicating)

A Well, my car was parked where this white car is.
(Indicating)

Q I see.

THE COURT: Do you want to have him stand down, Mr. Garry, and point it out to the jury?

MR. GARRY: Well, I will, but first of all I want him to --

THE COURT: All right, go ahead.

MR. GARRY: -- be oriented here.

THE COURT: All right, go ahead.

BY MR. GARRY:

Q And Exhibit 23, that shows approximately the area of what? (Indicating)

A This is almost the same picture. It's just a closer shot.

Q I see. Now, I show you here --

MISS RORABACK: Excuse me, Mr. Garry, I wonder if you could also, just for my benefit, tell me what the numbers are in the Huggins' case?

MR. GARRY: I'm sorry, Miss Roraback.

It's 18 for you and 23 for Mr. Seale.

THE COURT: And that's almost the same as --
I didn't get the number?

MR. GARRY: The previous photograph.

THE COURT: Which was?

MR. GARRY: Which would be No. 19, and 14 for Miss Roraback.

BY MR. GARRY:

Q I show you here Exhibit No. 20, and 15 for Miss Roraback and Mrs. Huggins, and ask you what does that depict?

(Indicating)

A Well, this is the entrance to the archway.

Q And those automobiles are on the wrong side?

A On the right-hand side of the street. Right, the wrong side.

Q They would be wrongfully parked?

A Right.

Q And 21 and 16, respectively, that depicts about the same thing, is that right? (Indicating)

A That's right.

Q Now, would you take these, and I wonder if you would come up here --

THE COURT: Now about 23, Mr. Garry, did you have that one described?

BY MR. GARRY:

Q 22 is also the area, is it not?

A That's right. That's across the street.

Q That's across the street?

A Yes.

Q Now, again, would you tell the Court and jury what 23 designates? (Indicating)

A Well, this is the same car that's parked in the other picture, but it's just a closer shot, and it's directly across the street from 365 Orchard Street.

BY MR. GARRY:

Q And 21?

A 21 is right in front of 365 Orchard Street. The cars are parked on the wrong side of the road. In other words, there is a "No Parking" sign over there.

Q And 20 is the same thing, approximately?

A Right.

Q And 24 is one that is parked closer to the driveway, is that right?

A Right.

Q And No. 19 you have testified to and the jury has seen it, that one is parked approximately the same place as your automobile was parked?

A Right.

Q And you have testified that as you looked to your left while you were sitting there, you looked in -- which pillar were you talking about?

A If my car was parked there, I would probably see this pillar here. (Indicating)

MR. MARKLE: I will object to that, if the Court please.

Q And that pillar you are referring to --

MR. MARKLE: I have an objection. We are into probabilities.

May the answer be read to your Honor?

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

THE COURT: I will sustain the objection.

But you can rephrase it.

MR. GARRY: Yes, I will rephrase it.

BY MR. GARRY:

Q As you are sitting in your automobile -- strike that. This is not your automobile there, is it?

A No.

Q Your automobile, you have sold it and you don't have it now, is that correct?

A That's right.

Q And as you would be sitting in the automobile as described in Exhibit No. 19 --

A Right.

Q -- you would look -- if you would look toward the archway -- and referring to Defendant's No. 21 -- would you be looking at this pillar as you would be looking straight ahead?

A Right, I would see that pillar. (Indicating)

Q You may sit down.

(The witness resumed the stand.)

BY MR. GARRY:

Q As you look at that pillar, can you see the front door of the apartment that you went into subsequently, afterward?

A No.

MR. GARRY: Miss Roraback suggested that I ought to pass the pictures around while we are talking about them.

THE COURT: Sure.

MR. GARRY: I am putting 19 back in there for them to see in this connection.

THE COURT: All right.

(The exhibits were handed to the jury.)

MR. GARRY: If your Honor please, my client would like a recess as soon as these pictures are --

THE COURT: Yes.

We will have our morning recess now, ladies and gentlemen. You may retire.

(The jury was excused at 11:26 A.M.)

THE COURT: We will have our morning recess now.

(The court recessed at 11:28 A.M.)

(The court reconvened at 11:45 A. M.)

THE COURT: All right. All set, counsel?

MR. MARKLE: Yes, sir.

MR. GARRY: Yes, your Honor.

THE COURT: All right. The witness?

(The witness resumed the stand.)

THE COURT: You may be seated, Mr. Gouthier.

Call the jury.

(The jury entered the courtroom at 11:46 A. M.)

THE COURT: Mr. Garry?

MR. GARRY: Thank you, your Honor.

(Continued) CROSS EXAMINATION BY MR. GARRY:

Q Mr. Gouthier, I believe you stated in direct testimony that you left the meeting after it was over, after Mr. Seale spoke, is that right?

A Right.

Q And then you went to the premises at 365 Orchard Street?

A That's right.

Q Isn't that correct? And you remained in there approximately 45 minutes --

A That's correct.

Q -- after you got there?

A Right?

MR. MARKLE: I'm going to object, if the Court please. Now, he said "35 to 45," and this is not cross. This is his witness, as I understand it.

MR. GARRY: This is cross examination.

THE COURT: Overruled.

Go ahead.

MR. MARKLE: May I have an exception.

THE COURT: Exception.

BY MR. GARRY:

Q Mr. Gouthier, approximately, approximately what time was it when you and Mr. Kimbro left 365 Orchard Street and you took him to the destination that he asked you to take him to?

A It was pretty close to 12:00 o'clock, I guess, about --

Q That would, when you say "12:00" --

MR. MARKLE: I'm going to object, there's a "I guess" on there.

THE COURT: I take it that the witness means this is his best recollection.

Is that what you are saying?

THE WITNESS: Right.

THE COURT: All right. I'll let it stand.

BY MR. GARRY:

Q Now, while you were in the premises, in the living room, was the place crowded with a lot of people during that 45 minutes that you were there?

A Right, there were people there from Hartford and Bridgeport.

Q And how many people would you say were in that living room during the 45 minutes that you were there, where Mr. Sams was present?

A About 20, 25 people.

Q And I believe you also testified that people were also leaving there?

A Right.

Q And Mr. Sams would expedite them out of there?

A That's right.

Q Now, Mr. Gouthier, why did you go to the Orchard Street address after you heard Mr. Seale speak, what was your reason for going there?

A Well, right before Bobby Seale finished speaking, Lonnie came by and said that everybody was to go to the office; that, you know, everybody was to go to the office for a meeting there.

Q And did they say what the meeting was about?

A No. They just wanted, you know, people were going

to go there, like to have a talk about how the speech went, a number of people were there and things like that.

Q All right. Now, in the 45 minutes that you were there, was there any discussions about the speech, or anything in that regard?

A Yes. They had, people were talking about how good the speech was, you know. And George Sams was, you know, talking how good the Chairman was speaking, and things like that, sort of like, you know, having a P. E. Class, or something.

Q Mr. Sams didn't go to the speech, did he?

A No, he didn't.

Q Could you tell us, Mr. Gouthier, what the weather was like when you returned from Chapel Street and went into 365 Orchard Street after the speech?

A Well, it was sort of drizzling and damp, damp weather.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle?

CROSS EXAMINATION BY MR. MARKLE:

Q Sir, when did you first become a trainee as a Black Panther?

A I guess it was around, around March, March 30th, something like that.

Q And where did you become --

THE COURT: Wait, do you want to put a year
on it?

MR. MARKLE: Yes, sir.

BY MR. MARKLE:

Q When, what year?

A Oh, March 30th, 1969.

Q March 30th, 1969. And when, or rather where did
you join the Black Panther Party as a trainee?

A At 364 Orchard Street.

(Page 2464 follows- no omission)

Q And who was there in March of 1969?

A Well, the only person I knew was Warren Kimbro.

Q Anyone else?

A I didn't know anyone else there, except Warren Kimbro.

Q Did you meet anyone there?

A Oh, yes, I met George Edwards.

Q All right. Now, George Edwards, how long had you known him, or did you just meet him on March 30th?

A No, I had known him before.

Q And who else did you see there at that time, who did you get to know there, say, in the month of April?

A The only people I could really remember is George and -- and Warren Kimbro because --

Q Excuse me? I don't mean to cut you off.

A -- they were the only ones that I would, like, the things that I was doing was selling papers and things like that, and that's who I'd come in contact with.

Q Would you go there, say, every day?

A Not every day, almost every day though.

Q Almost every day. And the only two people you remember in April of 1969 as being there is George Edwards and Warren Kimbro, is that a fact?

A In April, right.

Q In April?

A Yes.

Q So, then, is it fair to say that those are the only two people you remember on the Kimbro apartment premises in April?

A Well, there's -- his wife was there.

Q Yes? Whose wife?

A Warren Kimbro's.

Q Yes; who else was there?

A I can only remember Warren Kimbro, his wife, their children, and George; I'd see George, he would be there all the time.

THE COURT: Mr. Edwards?

THE WITNESS: George Edwards.

THE COURT: George Edwards, all right.

BY MR. MARKLE:

Q And would you attend political education class during that period of time?

A Sometimes.

Q All right.

A When I could.

Q Who would conduct the political education class?

A Well, when I -- most of the time when I went to political education classes Ericka would conduct them. I didn't

start going to political education classes until probably the last part of April.

Q So, you joined -- if I'm correct -- you joined the Black Panther Party in the last part of March, and you didn't start to go to political education classes until the last part of April, is that right?

A Well, I wasn't a member. I was a member in training. You're not a member until after you completed PE classes.

Q Well, you didn't start any PE classes until the end of April?

A Right.

Q But in the meantime you were doing work for the Black Panther Party?

A Right.

Q And when did you start going to the political education classes?

A When did I start in political education classes?

Q Yes.

A I guess it was around the last part of April.

Q And that's as nearly as you can recall?

A Right.

Q And you might have gone in March, but you don't recall, is that right?

A Right.

Q And you took political education classes -- approximately how many political education classes did you go to?

A I guess about three or four.

Q That's an approximation? You might have gone to more, you might have gone to less?

A Might have gone more, might have gone less, right.

Q And who conducted these political education classes?

A Sometime it was Ericka, sometime Warren Kimbro.

Q When you say, "Ericka," you mean Mrs. Huggins?

A Right.

Q And how long a period of time had you known Mrs. Huggins?

A It wasn't long.

Q Well, give me an approximation.

A Three or four weeks.

Q Three or four weeks?

A Yes.

Q And had you met her in March of 1969?

A No.

Q Did you meet her in April of 1969?

A I think I met her the last part of April.

Q And did you know her to be -- what rank did she hold in the Panther Party?

A I don't know.

Q You didn't know? What rank did Warren Kimbro hold in the Panther Party?

A Well, Warren, I guess he held the rank of chairman of the New Haven party, I guess.

Q You guess that?

A Yes.

Q You are not sure?

A Because no one ever told me that he was the Chairman of the New Haven Party.

Q Lonnie McLucas, did you see him on the premises?

A Lonnie? Yes.

Q What rank did he hold?

A This was -- well, Lonnie was like, I guess, a lieutenant or corporal.

Q Again you are not sure, I take it? You say you "guess"?

A He was above the rest of us who were in training.

Q He was above the rest of you who were in training?

A Right.

Q And was Ericka Huggins above the rest of you who were in training?

A She was sort of like -- she taught us PE classes.

Q And the PE classes, as I understand it, are those classes in which you discussed the Ten Point Program --

A Right.

Q -- and the Eight Points of Attention?

A Right.

Q And other matters that related to the ideology of the Party, isn't that right?

A Right.

Q Now, before you went to this May meeting that you have told us about, how many PE classes had you gone to?

A I guess about three or four, I guess.

Q About three or four, and who had conducted those?

MR. GARRY: That's been asked and answered, your Honor.

THE COURT: He's already answered that.

MR. MARKLE: Well, he said he wasn't sure.

THE COURT: Ericka did some, and Mr. Kimbro did some. He's already answered.

BY MR. MARKLE:

Q Is that your answer?

A Sometime it was Ericka, sometime Warren.

MR. GARRY: It's been asked and answered.

BY MR. MARKLE:

Q And where were those conducted?

A In the office.

Q And that's the Kimbro apartment on Orchard Street?

A Right.

Q And when was the first meeting, the first political education meeting you went to?

MR. GARRY: It's been asked and answered three times, your Honor.

THE COURT: It's been asked and answered. The latter part of April.

MR. MARKLE: I'd like the specific date.

BY MR. MARKLE:

Q Can I have a specific date?

A I don't know the specific date.

Q And yet you remember where your car was parked on May 16th -- or May 19th --

MR. GARRY: That's argumentative and it has no relationship to the question that he's asking.

THE COURT: Overruled.

BY MR. MARKLE:

Q -- is that correct?

THE COURT: It's cross-examination.

THE WITNESS: Could you reread the question?

MR. GARRY: It's a compound question, too.

THE COURT: Read it.

(The last question by Mr. Markle was read by the court reporter.)

THE COURT: Rephrase it.

BY MR. MARKLE:

Q You don't remember when you went to your first Political Education Class, do you?

A No.

Q And that would have been the first time that you had really gone into training as a Black Panther, is that correct?

MISS RORABACK: I'll object. That's not the testimony.

THE COURT: It's cross examination; overruled.

BY MR. MARKLE:

Q Is that not correct, that was your first real training?

A Right, first real training.

Q And you don't remember what date it was?

MISS RORABACK: Your Honor, may I have the complete answer read? Mr. Markle overlapped with his question.

(The court reporter complied, and also read the pending question.)

THE WITNESS: No.

BY MR. MARKLE:

Q No, all right. Now, you do recall going to the premises and meeting George Sams in May, isn't that correct?

A Right.

Q And did you, you were asked whether or not you had discussed this matter yesterday with Mr. Garry, is that correct, and Miss Roraback?

A Right, I did discuss it.

Q And had you discussed it with anyone before that, before yesterday?

A Yes.

Q Who did you discuss it with?

A Once with Miss Roraback.

Q How many times have you discussed it with her?

A Just once.

Q Just once, and when was that?

A Before, before yesterday.

Q And when was that, before yesterday?

A It was quite a while back, when I volunteered my services.

Q You did volunteer your services?

A Right.

Q Concerning this, is that right?

A Right.

Q And was that while the McLucas case was on?

A No, I think it was before that started.

Q Before that? And you didn't testify in the McLucas

case?

A No, I didn't.

Q And you are telling, you told us that you recall the Political Education Class at Yale?

A Right.

Q In May. And where was that held?

A It was held in one of the offices at Yale, I don't know which.

Q And who was present at that time?

A Myself, and I guess about ten other people.

Q Can you name any of the other people?

A One person, who was the instructor.

Q Who was the instructor?

A Rory Hithe.

Q And how long -- question withdrawn.

How many times had you seen Rory Hithe before that occasion, before that Political Education Class?

A I never seen him before.

Q And who introduced him to you?

A He introduced himself.

Q And what did he say?

A He said that he was Rory Hithe, and he was going to give us a P. E. Class.

Q Did he say where he was from?

A No.

Q He didn't tell you where he was from?

A No.

Q Did you ask anyone where he was from?

A No.

Q Had you ever seen him on the premises before?

A No.

Q Had you ever seen him in a Black Panther Party
function before?

A No.

Q And he was, what, if anything, did he discuss at
that function?

A He discussed the Ten Point Program.

Q And that's all he discussed?

A Right.

Q Did he discuss the Eight Points of Attention?

A Yes.

Q Did he discuss a Mr. Gonsalves?

A Yes.

Q All right, now, who was Mr. Gonsalves?

A He was the guy that had came to New Haven that was, supposedly to start a Black Panther in New Haven.

Q As a matter of fact, in March of 1969, wasn't he in the Black Panther Party?

A Yes.

Q Right?

A Um-hum.

Q And he was a Captain of the Black Panther Party, wasn't he?

A I don't know what he was.

Q Well, didn't you see him at the New Haven Chapter here on occasion?

A I, most of the time I saw him around in the street.

Q On the street. Did you ever see him at the Panther headquarters?

A No.

Q Never saw him at Kimbro's apartment at all?

A No.

Q Never saw him with George Edwards?

A No.

Q Never saw him -- where did you see him? Only on the street?

A Yes, around Congress Avenue, Dixwell.

Q And was he, he wasn't the subject of the discussion at the retreat, was he, what Rory Hithe had to talk about?

A No.

Q Not at all?

A No. He was -- Rory said, if anyone knows where he is, "We'd like to talk to him." That's all.

Q And nobody questioned why they wanted to talk to him?

A I didn't.

Q Did anybody?

A I don't know.

Q Well, do you remember what was said?

A That's all that was said, that he wanted to talk to him. And if anyone knew where he was to tell him that they'd like to talk to him.

Q Who is "they"?

A Rory.

Q Well, when you say he said "They'd" like to talk to him, did Rory say why, he, or who?

A No.

Q He didn't give any authority, and nobody told you who he was?

A Who Rory Hithe was?

Q That's right.

A No.

Q Not at all?

A See, we went there under the impression that the P. E. Class was given, was going to be given by Rory Hithe, and that he was a member of the Black Panther Party.

Q Who told you that?

A At the office, Warren.

Q Warren told you that?

A Yes.

Q Did he tell you that he was from National?

A No.

Q Did you come to learn that he was from National?

A I don't think so. I never knew that he was from National Headquarters.

Q And did you discuss how to treat prisoners at that retreat?

A No.

Q Not at all?

A No. Not at all, no.

Q Now, when you came -- when you came to the Kimbro premises, that was on a Sunday?

A Which time?

Q This is the time -- well, let me ask you that. Did you go there on Saturday, after the retreat?

A No.

Q Where did you go?

A I probably -- yes, I think I did, because I picked up a couple of people there.

Q What time was the retreat over?

A I guess it was in the late afternoon.

Q And who did you pick up there?

A Some sisters and brothers that were going to the retreat. I could only -- I don't remember their names.

Q Well, now, I don't mean to confuse you, but you were coming from the retreat, and it was after the retreat?

A No. I was picking them up to go to the retreat.

Q How many people did you pick up to go to the retreat?

A A couple girls and couple fellows.

Q Who were they?

A I only remember one girl's name was Sandy.

Q Sandy?

A Yes.

Q And you don't remember who else got in the car?

A No.

Q And you don't remember who else went to the retreat with you?

A No.

Q And did you ever become a member of the Black Panther Party?

A No. When everything happened, I was still a member in training.

Q What do you mean "when everything happened"?
When what happened?

A When people got busted and put in jail and everything.

Q Well, did you ever see Alex Rackley on those premises?

A No.

Q Never once?

A No.

Q Did you ever hear that he was on those premises?

A No.

Q You never heard that from anybody?

A No, I didn't.

Q You never heard that there was a tape recording made?

A No.

Q You never heard that?

A No.

Q So if I am correct, you never became a member of the Black Panther Party?

MR. GARRY: It's been asked and answered five times now.

THE COURT: Cross-examination.

Overruled.

BY MR. MARKLE:

Q Is that correct?

A Right. I never became a true member of the Black Panther Party.

Q Are you working with them in Louisiana?

A No.

Q You are not?

A No.

Q So, am I right, after the arrests that took place here, you left it completely?

A No.

Q Where did you go?

A Well, I stayed here in New Haven.

Q And did you work with the Panthers at that time?

A Right.

Q And at that time, right after the arrests, wasn't a claim made that Rackley was not a Panther?

MISS RORABACK: If your Honor please, I think this is going beyond the scope of the direct examination and we are getting far afield.

MR. MARKLE: I claim it, your Honor.

THE COURT: How is this pertinent?

He never saw him, he never heard of him.

MR. MARKLE: Well, because he said he remained here working, and it's relevant as to what happened, as a member, as to his credibility.

THE COURT: Well, he says he never was a member really. He said he never saw Rackley on the premises, he never heard he was on the premises, he never heard anything about any tape recording.

Now, where do you go from there?

MR. MARKLE: I will come back at it, your Honor.

BY MR. MARKLE:

Q Now, you went there on Sunday, is that correct, May 18th?

A Right.

Q And do you remember that date specifically going there?

A Yes.

Q And you remember that was in the afternoon, is that right?

A Yes.

Q And what shift were you working?

A The second shift, from 3:30 to 12:00.

Q 3:30 to 12:00?

A Right.

Q And you told us there -- you told Miss Roraback there you had to go to work at 3:30?

A Right.

Q So that would -- approximately what time did you arrive there?

A I guess it was about 1:00; 1:00 o'clock, 1:30.

Q Well, when you say you guess, do you know?

A It was about 1:00, 1:30.

Q 1:00 or 1:30. Did you come alone or with somebody?

A No, alone.

Q And where did you park?

A I usually parked on the other side of the street.

Q Well, where?

A A little bit down from the office; where the office was.

Q And then you got out and you went into the Panther

headquarters, is that right?

A Right.

Q And who was in there at that time, at 1:00 or 1:30 P.M.?

A Well, at that time, George was there.

Q George Edwards?

A No. George Sams.

Q Go ahead.

A Lonnie was there, Peggy, this girl named Loretta Luckes or Lukes.

Q Anybody else?

A I don't think so. I can't remember.

Q Warren Kimbro there?

A Yes, I think he was there.

Q Was Ericka Huggins there?

A I don't remember seeing her there.

Q In other words, you have no recall of her being there?

A Right.

Q You wouldn't say she wasn't?

A Right.

Q Was Maude Francis there?

A I don't know. I can't say. I don't know Maude Francis from Rose Smith.

Q Were either of them there?

A I think -- I can't say for sure.

Q In other words, you didn't even know the difference between Rose Smith and Maude Francis?

A Right.

Q Did you know they were Panthers?

A Yes.

Q And they were in the Party and they weren't in training, were they, they were Panthers?

A I don't know if they were in training or if they were in the Party.

Q You don't know that either?

A No.

Q And when you walked in and had this conversation with Mr. Sams, who was present at that time?

A Well, Loretta was there -- Loretta Luckes, and Lonnie, and Peggy.

Q They were all in the presence of you when he asked you for the sunglasses, and what you were doing with the papers?

A Lonnie was sitting at the table, and Peggy was doing some cooking, or something like that.

Q In other words, Lonnie McLucas was in the kitchen, is that a fair statement?

A Yes.

Q And you went into the kitchen?

A No. I went in through the front door. I went in through the front door.

Q I realize that, but eventually you got into the kitchen?

A Right.

Q And it was at that point and at that place that George Sams asked you to recite the Ten Point Program?

A Right. He asked me if I knew anything about it, if I could recite any of it, and I said, "Yes," so I did.

Q And that was in the presence of Mr. McLucas?

A Right.

Q And Margaret Hudgins?

A Peggy. I know her as Peggy. Is that the same person?

Q It's the same person.

A Yes.

Q All right.

A Yes.

Q And that was in her presence, is that correct?

A Yes.

Q And you believe Loretta Luckes?

A Right.

Q And did you ask them who George Sams was?

A No. He seemed to be running the things when I walked in, because he was telling Loretta how to clean up and everything.

Q And so as a Panther in training, you just took whatever instructions he gave you?

A Right.

Q And you never questioned anybody on the premises on that date, Sunday, as to who he was, this man that had talked to you?

A No. He told me who he was.

Q And you never questioned that --

A No.

Q -- that's who he was?

A No.

Q And the fact that he carried a .45, you never questioned that of anyone, did you?

A No.

Q You never talked to anybody?

A No.

Q Was that unusual, to see firearms on men in the premises?

A Yes.

Q Had you ever seen Gonsalves with a weapon?

A No.

Q And you never seen rifles in those premises?

A No, I haven't.

Q Never?

A No.

Q So this is the only weapon you've seen on those premises?

A Right.

Q And yet you can look at that .45 today and tell me that's the one that George Sams had?

A I know an Army .45 when I see one, and that's what I saw, an Army .45.

Q But you can't tell me that's the .45, can you?

A I couldn't say exactly that's the exact gun.

Q Well, you did tell that to Miss Roraback. You said that is the gun, under oath, didn't you?

A Yes.

BY MR. MARKLE:

Q Did you file a report -- question withdrawn.

You had just been to a meeting where the rules had been discussed of the Black Panther Party, the retreat?

A On Saturday?

Q Yes.

A Right.

Q On Sunday, you came in and you saw a man waving a .45, is that right?

A Not as soon as I walked in, no.

Q Well, after you got there?

A Yes.

Q And Rule No. 5 -- I am referring to State's Exhibit B -- says, "No Party member will use, point, or fire a weapon of any kind unnecessarily or accidentally at anyone." Is that correct?

A I don't know it.

Q You don't know the points, the rules?

A No.

Q Let me show it to you.

MR. GARRY: I am going to object to it. If he doesn't know it, what's the purpose of showing it to him.

THE COURT: Cross-examination.

(Document shown to witness.)

Q Weren't these rules discussed at the retreat just that day before?

A Right.

Q And one of the rules that was discussed was, in point of fact, that, "No Party member will use, point, or fire a weapon of any kind unnecessarily or accidentally at anyone"?

A Right.

Q And you didn't find it unusual that Sams had this weapon and was pointing it at somebody, did you?

A Well, you don't learn all of the points by looking at them one time.

Q In other words, this was the first PE class you went to, on May --

MISS RORABACK: Not what he said. I think he is misquoting him.

THE COURT: Cross-examination.

BY MR. MARKLE:

Q Was this the first time you ever saw the points?

A No, I'd seen it in the paper a number of times before.

Q So, then, you were familiar with it; you knew what they said, you had read them before?

A Right.

Q And it had been discussed the day before?

A Right.

Q And one of the things discussed --

MR. GARRY: Wait a minute.

THE COURT: You are too fast, Mr. Markle.

He doesn't get a chance to get his answer in.

Slow down.

MR. GARRY: Can we go back. He has been trying to answer this man's question now for the last two questions.

THE COURT: Read the last part.

(The last four questions by Mr. Markle and the last three answers of the witness were read by the court reporter.)

THE COURT: Thank you.

Slower, please, Mr. Markle.

BY MR. MARKLE:

Q One of the things that was discussed was this particular rule at that retreat.

A Right.

Q And Rory Hithe had discussed that?

A Right.

Q Yet, at that time, on that Sunday, when you saw Sams with a .45, you did not report that to anybody?

A No.

Q Or take any affirmative action about it?

A No.

Q Did you discuss it with Lonnie McLucas, whom you knew to be a Panther?

A No.

Q You just remained there and did what you had to do and, as I recall, you said you left, is that right?

A Right.

Q Later in the day. What time did you leave?

A I guess I left about a quarter of 3:00, something like that.

Q A quarter to 3:00?

A Right.

Q And where did you go to work?

A Pratt & Whitney Aircraft.

Q Which one, located where?

A North Haven.

Q Now, as I recall, Sams asked you for a ride and you refused to give it to him or you told him you couldn't because you had to go to work?

A Right.

Q And Sams asked you for your sunglasses and you told him you wouldn't give them to him?

A Right.

Q And then you left the premises, right?

A Sometime afterwards, right.

Q Sometime afterwards?

A Right.

Q And no one stopped you?

A No.

Q You left?

A Yes.

Q During that entire Sunday that you were there --
and that would be roughly from 1:00 P.M. to roughly 3:15?

A A quarter of 3:00.

Q I'm sorry, a quarter of 3:00. And there was no discussion of Mr. Rackley being on the premises?

A No.

Q Did you go upstairs?

A No.

Q You never left the kitchen?

A Well, I was in the kitchen and the living room.

Q And there was no discussion with either McLucas, Peggy Hudgins, Loretta Luckes, Rose Smith or Warren Kimbro about what had happened on those premises on that day?

A No.

Q Not at all?

A No.

Q Now, you say that you saw George Sams on May 19, 1969, is that right?

A Right.

Q What was that occasion?

A That was the day Bobby Seale spoke at the chapel, Battell Chapel.

Q You went to the office before the speech?

A Yes.

Q What time did you arrive there?

A I guess it was around 6:30 or so.

Q Who was present when you got there at 6:30?

A Well, Lonnie was there, Warren Kimbro was there, Rose was there. That's all I could remember.

Q Do you remember telling Miss Roraback that also George Edwards was there?

A Right. He came in after I did.

Q Did you go to those premises at all Sunday night after you had left to go to work, did you ever return?

A No.

Q Now, the first time you came back was Monday afternoon at 6:30?

A Right.

Q And you went to the premises and these people were

there you told me about, McLucas, Margaret Hudgins or Peggy Hudgins, right?

A Yes.

Q George Edwards?

A Yes.

Q Warren Kimbro there?

A That afternoon, right.

Q Anybody else from New Haven there?

A Well, Lonnie was there.

Q Lonnie McLucas?

A Right.

Q What, if anything, was Lonnie McLucas' job that day?

A Well, he was getting us together to get the posters and the tables put out for people to buy posters and pins.

Q Wasn't he, in fact, an Acting Field Lieutenant in charge of security that day for the Seale speech?

A Right.

Q What were you told about security at the speech?

A We were just told --

MR. GARRY: Just a minute. I would like to know who told him and where.

THE COURT: Maybe he wasn't told anything, so let's see.

I will overrule the objection.

Go ahead.

A Well, Lonnie told me -- he put --

MR. GARRY: I will object to what Lonnie told him. It's hearsay.

THE COURT: What is your claim, Mr. Markle?

MR. MARKLE: I claim it's admissible. They went into it and I have a right to examine.

MR. GARRY: I never even asked.

MR. MARKLE: He asked about McLucas, he talked to McLucas.

THE COURT: Well, ask him what he did, and go on from there.

(Page 2497 follows; no omission.)

BY MR. MARKLE:

Q What did you do as a result of your conversation with McLucas?

A Just stood at the door and watched people who came in.

Q What door where?

A At one of the doors in the back of the chapel.

Q And what did you do if anyone came in?

A You know, we asked them, did they have any weapons or any pot or anything like that, and, you know, if they didn't, let them go in.

Q Did you search?

A Yes.

Q You patted them down?

A Yes.

Q Who had told you to do that?

A Lonnie.

Q And did you see Mr. Seale come in that back door?

A No.

Q And while you were at the Kimbro apartment, how long were you there after you had arrived at 6:30 on Monday?

A I guess about 45 minutes.

Q About 45 minutes?

A Right.

Q Could it have been less?

A It could have been less or more.

Q Or more. And who did you drive over to Battell Chapel with?

A Well, myself, I remember, and Lonnie and a couple of other people that I don't know.

Q You don't know them?

A No, they came up from Hartford.

Q While you were there, did you see a Donald Monds?

MISS RORABACK: Can I ask what Mr. Markle means when he says, "there"?

THE COURT: I think Battell Chapel.

MR. MARKLE: Yes.

MISS RORABACK: I wasn't sure.

THE WITNESS: Did I see who?

BY MR. MARKLE:

Q Donald Monds from Hartford.

A I don't know him.

Q You don't know him?

A No.

Q Did you see a Butch Lewis?

A No.

Q Did you see either of them at the apartment, the Kimbro apartment?

MISS RORABACK: He said he didn't know Donald
Monds.

THE COURT: I thought that's what he said,
he doesn't know them.

BY MR. HARKLE:

Q You don't know them, either of them?

A No.

Q Do you know any brothers that were Panthers from
Hartford there?

A I don't know them by name. I just know that they
were from Hartford.

Q And you weretold to take a tape recorder to tape
the speech?

A Right.

Q But you didn't tape the speech?

A No.

Q Have you told me everyone that was in the car now
that was with you that drove over there?

A I told you Lonnie and I don't remember the other
people.

Q And you took up a position at a rear door and
searched, is that right, as people came in and went out?

A Right.

Q And then you left after the speech?

A Right.

Q And what time was that? What time did the speech begin?

A I don't remember. I think it was 3:00 o'clock. I'm not sure.

Q About 3:00 o'clock, is that fair to say?

MISS RORABACK: He said, "I'm not sure," your Honor.

MR. MARKLE: Well, I'm asking --

THE COURT: I wish you would slow down, Mr. Markle. I can't follow you. You are running your questions over his answers. I don't know how the court reporter can get it down.

MR. MARKLE: I'm sorry.

Could the answer be read, if the reporter got it?

THE COURT: Yes.

Would you please read it, Mr. Reporter.

Please slow down.

(The last two questions by Mr. Markle and the answer of the witness were read by the court reporter.)

BY MR. MARKLE:

Q Is that a fair statement?

A I'm not sure if it was 8:00 o'clock. I'm not sure what time the speech started.

Q Did you discuss yesterday with anyone with time the speech started?

A No.

Q Not at all?

A No.

Q Did you discuss it today with anyone, what time the speech started?

A No.

Q And you have no idea then what time the speech started, is that what you are telling me?

A Right.

Q And 8:00 o'clock meant nothing? When you said 8:00 o'clock, you had no idea that that was the time?

A I said I'm not sure. I'm not sure if it was 8:00 o'clock or 8:30.

Q What is your best recall?

A I can't put a specific time on it because I know that the speech didn't start on time.

Q You don't recall what time it was supposed to start?

A No.

Q You don't recall any of that?

A No.

Q And you don't recall then what time you left?

A Well, I left directly after the speech was over.

Q Right after Mr. Seale had stopped talking?

A Right.

Q Where did you go?

A Myself and another guy and a couple of other people got in my car. We stopped to get an ice cream cone and then we went over to the office.

Q And you have no idea of what time you arrived there, do you?

A It was before 12:00, I know that.

Q Before 12:00. How do you know that?

A Because, I guess, from the way they had people down town and everything, you know, and the little place where we bought the ice cream from was still open.

Q So it could have been around 11:00, and it could have been around 11:30, too?

A I'm not sure.

Q You're not sure. Then who went back with you? Who was in your car?

A I remember a guy that they called Bubba Smith or something like that. That's the only person I remember that went back with me.

Q And when you got back there, it was -- did you bring

the recorder back to the premises?

A No, I didn't.

Q You left it there?

A Right.

Q Who was to take care of that? Did you have any discussion about it with anyone?

A No.

Q Just left that tape recorder there?

A Yes.

Q And you picked up the posters before you left but you left the tape recorder, is that right?

A No, I didn't take anything, I left everything there.

Q Well, didn't you tell Miss Roraback that you left immediately after the speech, you picked up the posters and you left?

A The other people picked up the posters; I didn't.

Q And did other people pick up the tape recorder in your presence?

A Not while I was there, I don't know.

Q So you don't know what happened to that tape recorder?

A No.

Q And when you got back there -- you told us you went back to 365 Orchard Street, right?

A Right.

Q And you said when you got there and parked, you could see the archway and you could see the steps to the different doors; do you remember telling Miss Roraback that?

A I could see, you know, where you began to walk on the steps, yes, that extends out into the archway.

Q Do you remember telling her you could see the steps to the different doors?

A Yeah.

Q You told her that?

A Yes.

Q When you got there, you parked your car, is that right?

A Yes.

Q And you went in. You went in through the archway and up the stairs to the Kimbro apartment?

A Right.

Q Did you see anybody sitting there on the steps or on the curb?

A No.

Q Did you see anyone hanging around outside?

A No.

(Page 2505 follows - no omission)

BY MR. MARKLE:

Q When you went into the premises, who did you first see when you got in there?

A George Sams.

Q George Sams was the first person you saw?

A Yes.

Q What did he tell you to do?

A Well, he wasn't telling me. He was talking to some of the other people that were standing around in the room that a little girl had been lost and he wanted the members to go out and look for her.

Q And that was the first time you heard about that?

A Right.

Q And you went out to look for her?

A No.

Q You remained there because of Warren Kimbro, is that right?

A Yes.

Q And you say the first person you met was George Sams and he was sending people out?

A Right.

Q But Kimbro wasn't there when you got there, was he?

A He must have came in right after I did.

Q And it was at that time that he told you to wait?

A Right.

Q In the meantime, George Sams kept on telling people to go out and look for the child, is that right?

A Right.

Q And people were leaving and going out to look for the child?

A Some were coming in and some were going, yes.

Q You mean some people weren't listening to him at all and remaining and some people were going out?

A Some people were coming in with the posters and the papers, putting them down, sitting down, and he was telling some of the people to go, you know.

Q In other words, he was concerned over the child and he was telling them to go out and look for her?

A Yes.

Q When you said to Miss Roraback that George Sams was sending them out to supposedly hunt for the little girl, that's what he was doing, it wasn't any supposedly, he was sending them out, wasn't he?

A Right.

Q And the premises were being cleared, weren't they, the Kimbro apartment; people would come in and be sent out, weren't they?

A Yes, and there were still some people sitting around

and everything, talking. Everybody didn't go out.

Q A lot didn't listen to him, is that right? You mean nobody was being forced to go out, were they?

A No.

Q And so some people were just completely ignoring him and staying?

A Yes.

Q About how many?

A I guess they had about ten or twelve people sitting around reading papers and stuff.

Q Reading what paper?

A The Black Panther Party paper.

Q Who were those ten people that you can name that you saw sitting there that night?

A I can't remember any of them.

Q Now, you told Miss Roraback that you stayed there between thirty-five to forty minutes, is that right, before you went out with Mr. Kimbro?

A Right.

Q Could it have been less?

A I don't know. I think I stayed there about thirty-five or forty minutes.

Q Thirty-five or forty. You're not sure of that, though, are you?

A Yes, I'm sure. I'm sure that I stayed there about thirty-five or forty minutes.

Q Thirty-five or forty minutes. And you read the Black Panther Party newspaper?

A Right.

end tk.

(Page 2509 follows; no omission.)

Q And you left with Kimbro?

A Right.

Q And he took you to an apartment?

A (No response.)

Q He took you to a location, right?

A Right.

Q All right. What location is that he took you to?

A Well, it was over in the Hill area. I don't know the exact address.

Q He didn't tell you where you were going?

A No. He just said -- when we got to a corner, he just said, "Turn here, turn there."

Q Did he ask you to use your apartment?

A Yes.

Q You never told us that on direct examination, to either of the counsel, that he asked you to use your apartment?

A No.

Q For what reason?

A He said --

MR. GARRY: Well, just a minute.

Now, that's a compound question, "You didn't tell any of the counsel," and then he said, "for what reason?"

Now, he doesn't even wait to get an answer.

THE COURT: I got an answer. He said "No."
Go ahead. Next question.

BY MR. MARKLE:

Q What reason?

A He said he wanted to have a little get together or something.

Q With whom?

A He didn't say with whom.

Q He didn't tell you who he wanted the apartment for?

A No.

Q Not at all?

A No.

Q And did you offer to give him the apartment?

A I told him, "No," that my wife and family was there, and they couldn't use it.

Q And you told him he couldn't use the apartment?

A Right.

Q And you told this to counsel yesterday, I'm sure, when you had the conversation with them?

A I don't know if I told them or not.

Q Didn't they ask you about it?

A They probably did. I'm not sure.

Q You told him he could not use the apartment because of your family being there, is that right?

A Right.

Q And he said, "All right,"?

A Right.

Q And then where did you go?

A Well, when he asked me that, we were still in the apartment.

Q You were still in the apartment?

A Right.

Q Then what happened?

MISS RORABACK: Your Honor, --

BY MR. MARKLE:

Q Who else was present?

MISS RORABACK: Excuse me, Mr. Markle.

I would like him to note for the record just which apartment he is referring to, your Honor.

THE COURT: What apartment are you talking about?

BY MR. MARKLE:

Q The Kimbro apartment?

A Right.

Q And at that time who else was present?

A Just he and I were standing up in the door of the kitchen, talking.

Q Was that at the beginning, when you first came in,

or when you were getting ready to leave?

A That was after he had told me to stay there, he wanted me to take him somewhere.

Q And you told him at that time he could not have your apartment?

A Right.

Q It was at that time?

A Yes.

Q And then where did you go after that?

MISS RORABACK: I'm sorry, your Honor, I'm getting confused now.

Could you ask this in terms of time; is it right after the conversation or after we are out of the apartment?

THE COURT: You mean after he left the apartment?

MR. MARKLE: Yes, sir.

BY MR. MARKLE:

Q Where did you go after you left the apartment?

A With Warren Kimbro?

Q Yes.

A We went over to this apartment.

Q And you don't know whose apartment that is, even to this day?

A No.

Q You never discussed that yesterday with the attorneys?

A They wanted to know, but I don't know.

Q You don't know?

A No.

Q They didn't tell you whose apartment?

A No.

Q And you never knew?

A No.

Q And you sat out in the car?

A Right.

Q For how long?

A About thirty minutes.

Q Where did you park?

A Right -- almost directly in front of the apartment.

Q And you went across the street to use the telephone?

A Yes.

Q Is it an outside booth?

A Right.

Q Who did you call?

A I called my wife and told her I was going to be late.

Q How did you know you were going to be late?

A Well, I was late already.

Q Did you tell her why you were late?

A Right.

Q And you told her you were with Warren Kimbro?

A No, I didn't tell her that. I just told her I had went to hear Bobby Seale speak, and I was going to be a little late coming in, because some of the people were helping to look for the little girl.

Q But you weren't helping to look for the little girl, were you?

A No.

Q Not at all?

A No.

Q And you sat out in that car, and Kimbro finally came out?

A Right.

Q Now, during the whole trip from the Kimbro apartment to the Hill Section, you never once had a conversation about why he wanted your apartment?

A No. After I told him that he couldn't use it, he never asked me anything else about it.

Q And you never discussed anything that was going on in the Kimbro apartment, --

A No.

Q -- is that right?

A Yes.

Q Never?

A No.

Q And you went over there and parked in front and waited for him to come out?

A Right.

Q And that's about 45 minutes?

A About 30 minutes.

Q 30 minutes?

A Yes.

Q And he came back down and got in your car?

A Right.

Q And never told you what he discussed up there?

A No.

Q He never told you who he went to see, or what it

was about?

A No.

Q And you just drove back in silence to the Kimbro apartment?

A Well, he told me not to go the same way we came because someone was following us.

Q Did you see anyone following you?

A Yes. They had an unmarked car that was following us from over there to back over on this side of town.

Q Did you see --

A To Orchard Street.

Q Did you see that car earlier?

A Had I seen it earlier?

Q Yes.

A No.

Q When was the first time you saw that car that was following you?

A Well, when he said that "There is a car following us, don't go directly back to the office," and I looked back, I saw it.

Q Did you ask him why not? You weren't doing anything wrong.

A No, I didn't ask him why not.

Q Just because a car was following you, he told you

to take another route?

A Right.

Q And you didn't question that?

A No.

Q Then you just dropped him off?

A Right.

Q Did you see that car that was following you at that point?

A No. When we made the turn, after we passed St. Raphael's Hospital, the car turned another way.

Q When you got to drop him off, was there anybody sitting on any steps in front of the Kimbro apartment?

A I don't think so.

Q Did you look?

A Yes.

Q Did you see anybody?

A No.

Q Anybody sitting on the curb?

A No.

Q Did you see anybody outside that apartment?

A No.

Q Now, you also told us when you returned back at the apartment, this 30 or 45 minutes that you spent in that apartment, the Kimbro apartment, George Sams was telling the

people how good a speaker Chairman Bobby was; that's a fact, too, isn't it?

A This was after the speech?

Q That's right.

A Right.

Q And he was telling them what a good speaker he was, as a public speaker?

A Right.

Q And on the occasions that you came to that apartment, the Kimbro apartment, the times that you came to the Kimbro apartment, --

A I don't understand your question.

Q I'm getting to it. You went to the Kimbro apartment at least three times, or four times, during this period of time; you were there and then left. The first time you came to the Kimbro apartment, according to you, George Sams was there, that was on Sunday, is that right?

A Right.

Q You entered the premises, and you were free to leave?

A Right.

Q And other people came and left at the same time?

A On the Sunday?

Q Sunday.

A There was one incident when a man came there, that

George Sams got pretty mad, angry with him.

Q That's the incident you told us about?

A Right.

Q But the man left?

A Right.

Q And other people left after that, didn't they?

A Yes. People were coming and going.

Q And then when you went there on the 19th, people came and went?

A Right.

Q Right?

A Right.

Q Freely?

A Right.

Q Did you go back there on the 20th?

A I don't remember. I think -- I don't remember if I went there that day or not.

Q You don't recall that at all?

A That was on a Tuesday? I don't remember.

Q You don't recall that?

A No.

Q Do you recall if you went there on Wednesday, May 21st?

A I think I went there, but I didn't get in.

Q You didn't get in?

A No. I think that's the day when they had all the policemen around there.

Q All right. Now, the day before, you don't recall whether you went there or not?

A No.

Q That Tuesday -- wasn't it normally your procedure to go there?

A Well, when I had time, because I didn't go there every day, because on Sundays I worked a part-time job.

Q But you have no recall of going there on the 20th?

A No.

Q May 20th, at all?

A No.

MR. MARKLE: Your Honor excuse me for a second?

THE COURT: Yes.

MR. MARKLE: I have no further questions, your Honor.

THE COURT: Miss Roraback?

MISS RORABACK: Thank you.

REDIRECT EXAMINATION BY MISS RORABACK:

Q Mr. Gouthier, you said in response to Mr. Markle's questions that you had, you were working at a part time job?

A Right.

Q And where was that?

A At Yale-New Haven Hospital.

Q And do you remember what your hours were on that job?

A Well, some days I worked from 7:00 to 2:30, and some days I were off.

Q I see. You say, "7:00 to 2:30," that was during the day?

A Right.

Q And then you worked the 3:30 to midnight shift at Pratt Whitney?

A Right.

Q Now, going back to that Sunday when you were at the premises, Mr. Gouthier, Mr. Markle asked you about this business

of Mr Sams and the gun, and he asked you if you reported to anyone else this business about Mr. Sams pointing the gun at someone else. Who was actually present and saw that happen, Mr. Gouthier?

A Well, Loretta was there, she actually saw it happen.

Q Yes?

A The other people were in the kitchen, cooking and getting papers together.

Q And did they see it?

A They might have, I don't know. I was -- my back was turned to the kitchen.

Q And was there any reason why you didn't report this to someone?

A Well, George Sams seemed to be in charge of the office at that time.

Q And this incident seem at all unusual to you?

A Yes.

Q Why was that?

A Well, because the ideology of the Black Panther Party teaches us to love people, and to try to serve people. And that's not what he was doing, by kicking a guy out of the office without talking with him.

MISS RORABACK: I have no other questions.

Thank you.

THE COURT: Mr. Garry?

RECROSS-EXAMINATION BY MR. GARRY:

Q Mr. Gouthier, I believe the question was asked you by cross-examination, the question of a gun, and you have also testified that Mr. Sams was not a good Panther in your opinion, isn't that right?

A Right.

MR. MARKLE: I'm going to object. I don't think that was any part of my direct.

MR. GARRY: Well, the gun was certainly a part of it, and the implication was clear that he approved of what Mr. Sams did, and I want to ask him the question.

THE COURT: Put your question.

BY MR. GARRY:

Q Is it because of Mr. Sams' irrational and bizarre behavior about the gun and what he was doing while you were in his presence, is the reason that you said that Mr. Sams was not a good Panther?

MR. MARKLE: I'm going to object.

THE COURT: Sustained.

MR. GARRY: Take an exception, your Honor.

THE COURT: Exception may be noted.

MR. GARRY: No further questions.

MR. MARKLE: I just have one or two, your Honor.

THE COURT: Do you have any questions?

MR. MARKLE: Yes, sir. Just one or two.

RECROSS-EXAMINATION BY MR. MARKLE:

Q You said the ideology of the Panther Party was to love people, right?

A To love the people and serve the people.

Q Serve the people?

A Right.

Q And to take care of them and nurture them, right?

A Not all of that.

Q Not all that?

A No.

Q Just to love the people?

A I said, the ideology of the Party was to serve the people and love the people.

Q Serve them, and love them? So that it would be a violation of Black Panther Party policy, according to ideology, to tie a prisoner up, wouldn't it?

A Yes.

Q And to bind his hands, wouldn't it?

A Yes.

Q I show you State's Exhibit A, and I would ask you, that condition of that man is a violation of the Panther

ideology, isn't it, that hanger around the neck?

A Yes.

Q And that string on that man's hands -- and I show you State's Exhibit C -- is a violation of Party ideology, isn't it?

A Yes.

Q And so that if people who were Panthers -- and I show you State's Exhibit D -- that represents a violation of Party ideology, doesn't it?

A Yes.

Q And so, that if people were present at that time and saw a man in that condition -- Panthers -- they would be violating the ideology of the Party, wouldn't they?

MR. GARRY: Just a minute now, if your Honor please. That's argumentative and it's assuming facts not in evidence. He's asking for the opinion and conclusion of this witness.

THE COURT: I think I'll sustain it.

MR. MARKLE: May I have an exception to that, your Honor.

THE COURT: Exception may be noted.

BY MR. MARKLE:

Q If a person was tied up to a bed, that would be a violation of Party ideology?

A Right.

Q And if a person was -- hot water was poured on him, that would be a violation of Party ideology?

A Right.

MR. GARRY: I would stipulate that would be the case.

Q And if a person was questioned on a tape recorder during that torture, that would be a violation of Party ideology, wouldn't it?

A Yes.

Q And did you see Landon Williams or Rory Hithe on those premises during this period of time?

A No.

Q Not at all? And if a person were kept under restraint on those premises, that was a violation of Party ideology, wasn't it?

A Right.

Q And no one, on any of the occasions that you were on those premises, ever discussed anyone being held at that Kimbro apartment?

A No.

Q And that's your testimony?

A Right.

Q And that's in spite of the fact that you were with Lonnie McLucas, and Loretta Luckes, and Margaret Hudgins and Warren Kimbro, to mention a few, is that right?

A Right.

Q And as I understand it, the reason you did not report the weapon was because Sams seemed to be in charge, is that right?

A Right.

Q And anyone that was in charge, you would follow his orders?

A To a certain degree, according to what they told me to do.

Q Pardon?

A It's according to what they would tell me to do.

Q Well, you weren't afraid of him at that time because you didn't give him the glasses, right?

A Right.

Q And you knew that he was -- you felt he was in charge and that was the reason that he was doing what he did?

A Right.

Q And you didn't know the reason --

A Yes.

Q -- he wouldn't let that brother in the premises?

A No.

Q But you said you felt it was all right because it was an order?

MISS RORABACK: I object, that's not what he said. I'll object to the question.

THE COURT: Overruled.

Q Did you understand the question?

A No, I didn't.

THE COURT: Read it back, Mr. Reporter.

(The last question by Mr. Markle of the witness was read by the court reporter.)

THE WITNESS: I still don't understand the question.

BY MR. MARKLE:

Q You felt he was carrying out security on the premises, didn't you?

A Right.

Q All right. And therefore, waving the gun was perfectly all right?

A Right.

Q And that's Party ideology, follow the order --

A That's not the way I understand it.

Q Okay. Pick up the gun?

A No.

Q No?

MR. MARKLE: I have no further questions of this witness.

THE COURT: Miss Roraback?

MISS RORABACK: I have no questions.

FURTHER RECROSS-EXAMINATION BY MR. GARRY:

Q How did you assess Mr. Sams from his conduct, that counsel has just described to you?

MR. MARKLE: Object, if the Court please.

THE COURT: He just stated it. Sustained.

BY MR. GARRY:

Q Did you think that Mr. Sams was acting in a rational and humane manner --

MR. MARKLE: Object.

Q -- while in your presence?

THE COURT: Sustained.

BY MR. GARRY:

Q Did you think that the way that he treated that brother who came to the door, and asking for help when he just got out of prison, was a rational act on the part of Mr. Sams?

MR. MARKLE: He --

A No.

MR. MARKLE: He just answered that, if your Honor please.

THE COURT: Sustained.

MR. GARRY: No further questions -- I'll take an exception.

MISS RORABACK: May I?

THE COURT: Surely, go ahead.

FURTHER REDIRECT EXAMINATION BY MISS RORABACK:

Q It's true, isn't it, Mr. Gouthier, however, that you did not feel this was in accordance with Panther ideology, to treat a brother that way, is that correct?

MR. MARKLE: I object.

A Right.

MISS RORABACK: I have no other questions.

THE COURT: Mr. Markle?

MR. MARKLE: I have no further questions.

THE COURT: Mr. Garry?

MR. GARRY: None.

THE COURT: You may step down, young man.

(The witness was excused.)

THE COURT: Ladies and gentlemen, prepare to go to lunch.

(The jury was excused at 12:55 P.M.)

(Luncheon recess.)

A F T E R N O O N S E S S I O N

(The court reconvened at 2:10 P. M.)

THE COURT: All set, counsel?

MR. GARRY: Yes.

THE COURT: Call the jury.

(The jury entered the courtroom at 2:11 P. M.)

THE COURT: All right, Miss Roraback.

MISS RORABACK: Mr. Garry will handle the next witness, your Honor.

MR. GARRY: Miss Valerie White, please.

V A L E R I E

W H I T E,

residing at 75 Freeman Street, Bridgeport, Connecticut,
having been called as a witness by the defendant
Seale, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MR. GARRY:

Q Miss White, would you kindly speak up so that
everybody in the courtroom can hear you. Could you do that?

A Yes.

Q Would you kindly state your full name?

A Frances Valerie White.

Q Where do you live?

A 75 Freeman Street, Bridgeport, Connecticut.

Q How long have you lived in Bridgeport, Connecticut?

A 19 years.

Q Calling your attention to the month of May, 1969,
did you have occasion to go to the Black Panther Party
headquarters?

A Yes.

THE COURT: In New Haven?

THE WITNESS: Yes.

THE COURT: In New Haven.

BY MR. GARRY:

Q In New Haven?

A Yes.

Q Miss White, did you attend a speech that Mr. Seale gave at Battell Chapel in New Haven?

A Yes.

Q Now, using that as the time that you were talking about, did you have occasion to go to 365 Orchard Street, New Haven?

A Yes.

Q Before --

A The speech?

Q Yes, before the speech.

A Yes.

Q Did you have occasion to go there the day before, which would be the day before the speech?

A Yes.

Q Tell the Court and jury the circumstances under which you went to 365 Orchard Street, Black Panther Party headquarters in New Haven, the day before the speech that Mr. Seale gave?

A Could you repeat that?

THE COURT: It may be read.

Read it, Mr. Reporter.

(The last question by Mr. Garry was read by the court reporter.)

THE WITNESS: Went up there to a meeting.

BY MR. GARRY:

Q I can't hear you.

A We went to a meeting.

Q You went to a meeting at 365 Orchard Street?

A Yes.

Q And who went with you?

A Loretta Luckes and George Rosa.

Q Did you see a George Sams while you were there?

A No.

Q You didn't see him the day before the Monday, the time that you heard Mr. Seale?

A Not that day before, no.

Q All right. When is the first time, what day was it, using the speech of Mr. Seale as the cornerstone, what day was it you first saw Mr. Sams?

A It was the day of the speech.

Q I beg your pardon?

A The day of the speech.

Q I see. Now, how did you get to New Haven on that day?

A In my car.

Q And what kind of a car were you driving?

A '61 Studebaker.

Q What color was it?

A Black.

Q Was it a two door or four door?

A Four door.

Q Do you recall where you parked that '61 Studebaker?

A I parked it on the left hand side next -- there is a tree there. It is about 367.

Q You are talking about a tree that is on Orchard Street on the lawful parking side, is that right?

A Yes.

Q Where was the tree in relation to the back end of your Studebaker?

A It was at the back end.

Q In other words, your Studebaker was at the -- I mean, the back end of your Studebaker was at the back end of the tree?

A Yes.

Q Was there -- strike that.

From where you got out of your Studebaker, could you see the front, the archway, across the street?

A Yes.

Q And from where you were parked, could you see the front door of the apartment of 365 Orchard Street where Black Panther Party headquarters was?

A Yes.

MR. MARKLE: Might I have that answer read.

THE COURT: It may be read, the question and answer.

(The last question by Mr. Garry and the answer of the witness were read by the court reporter.)

BY MR. GARRY:

Q And you went into the -- strike that.

You went into the Black Panther Party headquarters before the speech, is that right?

A Yes.

Q And how long did you remain there before you proceeded to go to the speech?

A It was about 35 -- in between 35 and 45 minutes.

Q And during the course of time that you were in the Black Panther Party headquarters before you went to hear Mr. Seale, did you see Mr. Sams?

A No.

Q Yes or no?

A No.

Q Is it your testimony that you never saw Mr. Seale before --

THE COURT: Sams.

MR. GARRY: Strike that.

Thank you, your Honor.

BY MR. GARRY:

Q Is it your testimony that you never saw Mr. Sams before you went to hear Mr. Seale?

MR. MARKLE: I am going to object, if the Court please. He is cross-examining his own witness.

THE COURT: I think she answered it. You asked her if she saw Mr. Sams while she was in there, and she said no.

BY MR. GARRY:

Q Let me ask you this, Miss White: Did you ever see Mr. Sams?

A Yes.

Q When was it that you saw Mr. Sams?

A After the speech.

Q After the speech?

A Yes.

Q What was he doing when you saw him after the speech?

A Well, I went inside and he pulled out a rifle --

Q He pulled what?

A He pulled a rifle out from under the cushions of the couch, and he told us that we had to go look for Diane Toney, the little girl, and he had us read from the Red Book.

Q And this was after the speech?

A Yes.

THE COURT: Did the jury hear that?

Would you read it, Mr. Reporter.

Try to keep your voice up, young lady.

Would you read that question and answer, please.

(The last two questions by Mr. Markle and the last two answers of the witness were read by the court reporter.)

Q Now, after the speech you came back to Orchard Street, how long did you remain there before you left?

A About thirty-five minutes.

Q About thirty-five minutes?

A Yes.

Q Now, how did you get to the Battell Chapel?

A We went in a Volkswagen bus.

Q And you came, did you come back in a Volkswagen bus?

A Yes.

Q And during all that time that you were gone to the speech, your Studebaker remained where it was?

A Yes.

Q Is that right?

A Yes.

Q Do you recall what the weather was like when you returned from the Battell Chapel?

A It was damp.

Q It was what?

A It was damp. I'm not sure whether it just got through raining, or it was beginning to.

Q And while you were at the headquarters of the Black Panther Party on Orchard Street, during all the time that you were there, did you ever see Bobby Seale there?

A No.

Q Did you at any time see Mrs. Huggins there?

A No.

Q Miss White, I have discussed this matter of your testimony on two different, three different occasions, have I not?

A Yes.

Q And it's been within the last three or four days?

A Yes.

Q Isn't that correct?

A Yes.

Q I never saw you before, is that correct?

A No.

Q And at my behest, we went out to the scene yesterday at Orchard Street?

A Yes.

Q Do you remember that?

A Yes.

Q I show you here Exhibit -- Defendant's Exhibit No. 22, and ask you if that photograph of the scene brings to your mind anything?

A Yes.

Q What does that -- speak up louder so that everybody in the courtroom can hear you, Miss White, please --

A That's where my car was parked. (Indicating)

Q And when you say your car was parked there, is there anything in that picture that draws your attention to it?

A The tree.

Q The tree?

A Yes.

Q That's the tree? (Indicating)

A Yes.

Q Were you parked where that automobile is, or was your automobile forward or more backwards?

A About the same, where this car is. (Indicating)

MISS RORABACK: For the record, might I note what the number of that one is, in the Huggins case?

THE COURT: 22 --

MR. GARRY: In your case, 17.

May I show this to the jury, please?

THE COURT: Surely.

(The above referred to document was handed to the jury.)

BY MR. GARRY:

Q Miss White, did you wait to hear the entire speech of Mr. Seale, or did you leave before it was completed?

A I went outside before it was completed.

Q And then, then soon after you went to 365 Orchard Street, is that right?

A Yes.

Q Is that correct?

A Yes.

Q Was there any reason why you left before the speech was completed?

A I didn't feel too good.

Q You didn't feel well?

A No.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle?

MR. MARKLE: Yes, sir. Just a few.

CROSS-EXAMINATION BY MR. MARKLE:

Q Miss White, when you saw Mr. Garry on the three or four occasions, the attorney, who was present?

A It was two.

Q And who was there?

A I don't know her (indicating) last name, I've forgot.

Q Well, anybody you see at this table?

A Yes. (Indicating) Ericka's attorney. And --
(indicating) --

Q Mr. Rosen?

A Yes.

Q And had you known, prior to May of 1969 -- was anyone else present beside the two attorneys, the three attorneys?

A No.

THE COURT: Now, wait a minute. Which -- read the question -- no, rephrase the question.

BY MR. MARKLE:

Q When you met with the attorneys, were there three of them together? I think you were asked, whether you met on three different occasions within the last three or four days by Mr. Garry?

A Yes.

Q And do you remember saying "Yes"?

A Yes.

Q Okay. And were there three attorneys there at that time?

A Yes.

Q And did, was that the only time you've ever met with any of them?

A No.

Q When had you met with them before that date?

A In about a year ago, to Lonnie's trial.

Q At Lonnie's trial?

A Yes. I've met with, not with -- (Indicating) --

Q Those lawyers?

MISS RORABACK: I think she's indicating --

THE WITNESS: No, I don't know the names.

BY MR. MARKLE:

Q Am I confusing you? I don't want to. You met with someone else, other lawyers?

A I met with her (indicating).

Q I'm sorry?

A And another lawyer.

THE COURT: Wait a minute, read that back.

(Whereupon, the two previous questions and answers were read by the court reporter.)

BY MR. MARKLE:

Q And you didn't testify at the McLucas trial, did you?

A No.

Q And how long in May of 1969 -- question withdr

Q Was there any specific reason you remember that day in particular?

A Yes.

Q What's the reason?

A George Sams.

Q George Sams?

A Yes.

Q Now, that's the occasion when you saw George Sams with the rifle?

A Yes.

Q And when that occurred were you a Panther in training?

A You could say so, yes.

Q And for how long a period of time before that had you been a Panther in training?

A I'm not for sure.

Q Well, would it be two months, say February of 1969?

A No, it hasn't been that long.

Q I'm sorry, I didn't hear you.

A No, it wasn't that long.

Q Would it be March of 1969?

A I can't say for sure.

Q In other words, you don't remember when you started to go to the Panther house, or the Kimbro apartment?

A No.

Q And you don't recall -- let me ask you this, who asked you to join the Panther Party?

A I wanted to get into it on my own.

Q All right. And who did you speak to?

A I spoke to Jose Gonsalves.

Q Who -- Jose Gonsalves?

A Yes.

Q And at that time, who was Jose Gonsalves?

A I don't know what he was, you know, but they told me I had to talk to him.

Q All right. And you talked to him?

A Yes.

Q And it was after that that you began to attend Political Education classes?

A Yes.

Q And do you recall when you attended your first Political Education class?

A No, not the exact day.

Q Do you recall when you attended your second Political Education class?

A No, it's been a long time.

Q It's been a long time?

A Yes.

Q And it's hard to remember when you attended those

classes, is that it?

A Yes.

Q And do you remember when you attended the last Political Education class?

A The night of the speech.

Q The night of the speech?

A Yes.

Q And who conducted that Political Education class?

A George Sams.

Q And at that time did you ask anyone who he was?

A No.

Q Did you know who he was by then?

A Yes, by then I did.

Q By -- ?

A Yes.

Q How had you known that?

A Well, when I came in that night, he told us who he was.

Q What did he tell you?

A Well, he told us that he was down from the West Coast, and that everybody had to answer to him.

Q He told you that, that's the night of the Seale speech?

A Yes.

Q And when you walked in -- correct me if I'm wrong -- when you walked in after the Seale speech, he told you that he was George Sams and he was from the West Coast?

A He didn't come right out and say it, no. After we were there for a while he introduced himself and asked us our names.

MR. MARKLE: I'm sorry, may I have that read back?

THE COURT: Read it, Mr. Reporter.

(The court reporter complied.)

BY MR. MARKLE:

Q In other words, you came in, you were there and then he asked you what your names were?

A Yes.

Q And who were you with at the time?

A I was with George Rosa, and another girl named Mary.

Q And where were they from?

A Bridgeport.

Q And who else was present at that time when he introduced himself?

A I can't remember.

Q And then what, if anything, did you say to him, the three of you?

A I didn't say anything to him.

Q So you didn't even identify yourself?

A No.

Q And did the other two?

A I don't remember.

Q You don't recall?

A No.

Q And that's because it's a long time ago?

A Yes.

(Page 2550 follows - no omission)

Q And when he told you to go out and look for the Diane Toney child, --

A Yes.

Q -- were there other people there at that time?

A Yes.

Q And did people start to leave?

A Yes.

Q And it was at that time that he waved the rifle?

A Yes.

Q People were leaving already, weren't they?

A Well, he did this -- he told us we had to go look for Diane Toney, and he reached under the couch and pulled out a gun and told us that if we didn't, we would have to answer to the wrath of the armed black people.

Q What did you interpret that to mean, "the wrath of the armed black people?" Did you ever --

A That if we didn't do what he wanted, you know, he would have did something to us.

Q Was he giving you an order as a Black Panther at that time, did you feel?

A As me being a Panther?

Q To the people that were there, yes.

A Well, it was just that he give us his order.

Q He gave you an order, is that right?

A Yes.

Q And everybody went out?

A Yes

Q At that time?

A Everybody.

Q Because he had given an order?

A Yes.

Q And you don't recall -- do you recall whether or not at that time, and at that place, Mr. Gouthier was there, Craig Gouthier from New Haven?

A I don't know --

Q You don't recall?

A No.

THE COURT: Wait a minute.

Wait a minute. Read that answer.

(The last two questions by Mr. Markle of the witness, and the answers of the witness, were read by the court reporter.)

BY MR. MARKLE:

Q Did you know --

MISS RORABACK: Well --

THE WITNESS: I didn't know him at the time.

MISS RORABACK: If your Honor please, I think the reporter missed the answer.

As I heard it, she said, "I don't know him."

THE COURT: That's what I thought.

MISS RORABACK: I think there is --

THE COURT: Why don't you clear it up.

BY MR. MARKLE:

Q Do you know him now?

A No, not personally.

Q Did you meet him in the last few days?

A Yes.

Q Where did you meet him?

A I met him when I went to see the lawyer, when they took us over on Orchard Street.

Q When they took you over on Orchard Street?

A Yes.

Q And was he present when you said where you parked your car?

A Pardon?

Q Was he present when you said where you parked your car?

A No. He wasn't -- well, he was there, but he wasn't next to me.

Q And you were present when he described where he put his car?

A Yes.

Q And, so, when you talked to a lawyer, there was more than just the three lawyers and you on that occasion, weren't there?

A That one time.

Q That's the only time?

A Yes.

Q The only time?

A Yes.

Q And people started to go out and look for the Diane Toney child?

A Yes.

Q And what did you do, you, personally?

A I left.

Q And what did you do?

A I went -- we went to the girl's mother's house.

Q And whom did you go with?

A George, Rosa and Mary.

Q Who is Mary? Mary what?

A I don't know her last name.

Q And did you return to the Kimbro apartment that night?

A I didn't. I'm not sure. I think we left and went home.

Q You believe you left and went home?

A Yes, after.

Q But you're not sure?

A I'm not sure now.

Q And were you in that apartment -- did you go upstairs

on that occasion that you were in the apartment?

A No.

Q Now, you say that you were feeling ill when you left the Battell Chapel, is that right?

A Yes.

Q And were you still feeling ill when you got to the Kimbro apartment?

A Yes.

Q And did you use -- did you have occasion to go upstairs?

A No.

Q At all?

A No.

Q Not at all?

A No.

Q And was there any talk at that time, at the Kimbro apartment, about Mr. Rackley?

A No.

Q None at all?

A No.

Q And did you talk to Loretta Luckes on that occasion?

A Yes.

Q And isn't it a fact that she told you what had happened there?

A No.

Q Not at all?

A No.

Q And there was no evidence of -- you heard nothing about a tape recording or questioning of a Panther at the Panther headquarters?

A No.

Q Did you go back -- now, you say you went there on that Monday to hear Mr. Seale. Had you been there, at the Panther headquarters, on Sunday?

A I believe so, yes.

Q And what time did you arrive at Panther headquarters on Sunday?

A I don't know.

Q And you went into the Kimbro apartment on Sunday?

A I believe so, yes. I'm not sure.

Q And who were you with?

A George, Rosa and Mary.

Q And where did you go --

A Pardon?

Q -- in that apartment on Sunday?

A I'm not sure if -- because I went there on so many days, I'm not sure to say now that I was there Sunday, but I know definitely I was there Monday.

Q But you can remember the tree and you can remember the house?

A Yes.

Q But you can't remember whether you were there that Sunday, is that right?

A I remember that Monday because of George Sams.

Q Well, did you not remember -- were you there on that Tuesday, at the headquarters, the Kimbro apartment?

A No.

Q And were you there Wednesday?

A No.

Q But isn't it a fact that on Wednesday you learned that Alex Rackley had been found?

A Yes.

Q And at that time you weren't sure whether you had been in that apartment on that past Sunday?

A No. I don't know about then, but now, I don't remember.

Q At that time, did you remember whether you had been there on Sunday?

A I don't know what I remembered then. I am talking about now.

(Page 2557 follows; no omission.)

Q Yes. Well, Miss White, what I am trying to say is this: That had a rather dramatic effect on you, too, didn't it, the fact that Mr. Rackley was reported to have been killed at the Kimbro apartment?

MISS RORABACK: If your Honor please, I think he used the wrong date --

THE COURT: Now, --

MISS RORABACK: -- in making the statement.

MR. MARKLE: By Wednesday.

If there is any confusion with the witness, I will clear it up.

BY MR. MARKLE:

Q By Wednesday, did you not learn that Mr. Rackley had been killed?

MISS RORABACK: That's the question I am objecting to, your Honor.

It was not a Wednesday.

THE COURT: Overrule the objection.

MR. MARKLE: It was not?

MISS RORABACK: Thursday.

MR. MARKLE: I'm asking her.

BY MR. MARKLE:

Q Miss White, did you --

A I'm not sure when it was. I heard it on TV.

Q You heard it on TV?

A Yes.

Q And at that time did you think back that was during -- you just had been to the house, had you not, the Kimbro house?

A When?

Q During that past week.

A I had been there Monday.

Q Monday?

A Yes.

Q But you couldn't remember even at that time whether you had been there on Sunday?

A I don't remember now whether I remembered whether or not. I just remember Monday.

Q And do you remember whether or not you were there on Tuesday, the day after that Monday?

A No, I don't think I did.

Q You don't recall?

A No.

MISS RORABACK: Could I have the question and the answer read back, your Honor?

THE COURT: It may be read.

(The last question by Mr. Markle of the witness, and the answer of the witness, were read by the court reporter.)

BY MR. MARKLE:

Q And do you recall whether you went there on Wednesday of that week?

A No, I don't.

Q You don't recall that either?

MISS RORABACK: I'm sorry.

Could I hear the full answer to the question?

I didn't get it.

THE COURT: It may be read.

(The last two questions by Mr. Markle of the witness, and the answer of the witness, were read by the court reporter.)

THE WITNESS: No.

BY MR. MARKLE:

Q Let me ask you this: Had you ever seen that rifle on the premises before?

A No.

Q Never?

A No.

Q Had you ever seen rifles or firearms on those premises?

A No.

Q Never?

A No.

Q And had you moved about those premises and been in the kitchen on occasion?

A Yes.

Q And it's your testimony there were no rifles on those premises?

A I never saw them.

MISS BORABACK: She didn't say that, if your Honor please.

THE COURT: She didn't say that.

She said she hadn't seen any.

BY MR. MARKLE:

Q So you're not saying there were none. You just never seen them?

A I never saw them.

Q And did you talk to anybody about the rifle-waving incident?

A What do you mean "talk to anybody"?

Q Well, Mr. McLucas was on the premises, wasn't he?

A No. I don't remember.

Q You don't even remember if Mr. McLucas was there?

A No.

Q Do you recall who was there at the Kimbro apartment when you arrived on that Monday?

A When I first got there, before the speech, I saw

Loretta.

Q Loretta Luckes?

A Yes, because we went up there to bring her home.

Her mother wanted her.

Q All right. Who else did you see?

A She's the only one I remember.

Q That's the only person you can remember?

A Yes.

Q And did you bring her home?

A No. She told me she wasn't coming.

Q Was she also a Panther in training?

A Yes.

Q And what time did you arrive there?

A I don't know the exact time.

Q I'm sorry, I didn't hear you.

A I don't know the exact time.

Q Well, can you give me an approximation?

A No, I can't.

Q Can you give me an approximation of the time when

Mr. Sams said this about the Diane Toney child?

A I would say it was about -- I don't know. I know it was late, because I wanted to go home.

BY MR. MARKLE:

Q Did you take your car to go look for the Diane Toney child?

A Yes.

Q Did you hear any talk about looking for another apartment to meet with Mr. Seale?

A No.

Q Not at all?

A Would you repeat that again?

Q Was there talk about going to another place to meet with Mr. Seale, to hear him after the speech?

A No. There was, they said, at the speech that he was supposed to come to the house, for everybody to go back.

Q Everybody go back to the house so they could hear him and speak to him?

A Yes, because he was supposed to come.

Q Supposed to come. And did people go back there to meet with Mr. Seale?

A Yes.

Q And that's the Kimbro house?

A Yes.

MR. MARKLE: I have no further questions,
your Honor.

THE COURT: Miss Roraback.

MISS RORABACK: I have no questions, your Honor.

THE COURT: Mr. Garry.

REDIRECT EXAMINATION BY MR. GARRY:

Q I believe that you have shown an indication that you hadn't finished your answer to the last question.

A Yes. He didn't come. I mean, we waited and nobody -- he didn't come.

Q Mr. Seale did not come?

A Yes, as far as I know.

Q Now, I have one or two clarifications. You say the reason you remember this occasion on Monday is because of George Sams?

A Yes.

Q What was there about him that makes you remember that?

A He was wierd, you know.

Q He was what?

A He was wierd. Like when my first impression of him was that he was crazy.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

RECROSS-EXAMINATION BY MR. MARKLE:

Q Now, you stated that you waited at the Kimbro apartment for Mr. Seale?

A Yes.

Q And you had been told that he was going to come and meet with the brothers and sisters, is that correct?

A Yes.

Q And the people were coming back to meet him?

A Yes.

Q And he did not show up?

A No, he didn't.

Q How long did you wait for him?

A Oh, I waited about -- between a half an hour and an hour. We waited inside the house.

Q A half an hour to an hour?

A Yes.

Q And wasn't it just your testimony that when you arrived there, Mr. Sams told you to get out, and he waved a rifle, to go look for the Toney child?

A Not as soon as we got there, no.

Q It was a half hour to an hour after you had arrived?

A Yes.

Q That's when he told you to go out and look for the Toney child?

A Yes.

Q Was there a lot of talk around the house that Mr. Seale was coming to the Kimbro apartment while you were waiting between a half hour and an hour?

A Yes, I heard some people saying that they were waiting for him.

Q They were waiting. Did anybody go outside and look for him?

A I don't know. I think so. I'm not sure.

Q And during that period of time that you were on the premises, did you see a Mr. June Hilliard?

A I don't think so.

Q You don't think so?

A No.

Q And you came to the conclusion that George Sams was wierd, that was your first impression of him, is that right?

A Yes.

Q And this is exactly the same man that sent you out to look for the Toney child?

A Yes.

Q Did you think that was wierd?

A I left because he said to.

Q And what did he want you to do?

A He wanted us to go look for the little girl. He said she was lost.

Q Did you believe him?

A Yes, I believed him.

Q You believed this wierd man, is that right?

A I believed him mainly because I was afraid of him.

Q You were afraid of him?

A Yes.

Q In other words, had you not been afraid of him, you would not have gone to look for the Toney child?

A Yeah, I would have.

Q What he was doing was saying -- he told you he was from National, is that right?

A Yes.

Q And that he was a Panther and he wanted you people to go out and look for this child, is that right?

A And you found that wierd?

A No, I found him wierd when he pulled a gun.

Q He pulled a gun after he told you to go out and look for the child and if you didn't find her, there would be the wrath of the armed black people?

MISS RORABACK: I object. I think that was not her testimony.

THE COURT: Clear it up on redirect.

BY MR. MARKLE:

Q Isn't that your testimony?

A Could it be repeated again.

MR. MARKLE: May it be read.

THE COURT: It may be read.

(The last question by Mr. Markle was read by the court reporter.)

A Yes.

Q And during the one-half hour to one hour that you remained on the Kimbro premises after the Seale speech, did you see anyone go upstairs?

A No.

Q Was there anything that stopped you from going upstairs?

A No.

Q But no one went upstairs in that apartment?

A I didn't go upstairs.

Q Did you see anyone while you were there that half-hour to hour?

A I didn't see anyone.

Q No one?

A No.

MR. MARKLE: I have no further questions, your Honor.

THE COURT: Miss Roraback.

CROSS-EXAMINATION BY MISS RORABACK:

Q About how many people were there after the Seale speech?

A About 20 or 25. They were a lot of people.

MR. GARRY: Can I hear that answer, please.

THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q And were these people that you knew yourself?

A No, not personally.

Q And you said earlier something about some sort of class or something that went on there on the premises. Was this after the speech?

A Yes.

Q And Mr. Sams conducted that class?

A Yes.

Q And was it before or after the class that he told you to go out and look for --

A It was after the class.

Q And did he just say, "Will you go out," or did he order you to go out, or just how did he say it?

A He ordered us to go out. He told us that we had to look for the little girl, Diane Toney, she was lost, and then he pulled a rifle out and he told us if we didn't, we

would all answer to the wrath of the armed people.

Q It was then that you felt he was wierd?

A Yes.

MISS RORABACK: I have no other questions.

THE COURT: Mr. Garry.

MR. GARRY: No questions.

MR. MARKLE: I have no questions, your Honor.

(The witness was excused.)

MR. GARRY: My client has got problems.

THE COURT: The jury is excused for a moment.

(The jury was excused at 2:55 P.M.)

THE COURT: I suggest in the future, Mr. Garry, you just ask me, may the jury be excused.

MR. GARRY: I'm sorry. He just told me.

THE COURT: All right.

Sheriff, call the jury.

MR. MARKLE: Before the jury is brought in, I believe this witness being, from a previous experience, Linda Young, and I am going to object to her testimony. I think it ought to be done, a voir dire, on an offer of proof.

(Page 2570 follows; no omission.)

MISS RORABACK: I think I have a right to ask questions of this witness in the presence of the jury, and if your Honor feels that there are certain points that we need to have the jury excused for, that is one thing, but there are quite legitimate questions to be asked in front of the jury and I insist on my right to do so.

MR. MARKLE: If your Honor please, I am going to repeat that I think it would be highly prejudicial if the questions were asked and if your Honor ruled they were inadmissible in front of this jury.

As I recall, this witness testified to something that went back to 1968. I think it's collateral. It was offered at that time as against Mr. Sams, and when Miss Roraback asked him whether he knew this woman by name in this trial, he stated no.

I think it's collateral. I think it's irrelevant, and I don't think it should be permitted.

THE COURT: This witness' name was asked of Mr. Sams in this trial?

MISS RORABACK: That's correct, your Honor.

THE COURT: I will make a ruling.

Bring the jury in.

MISS RORABACK: I certainly want for the record

that she be sworn and that I ask her questions,
your Honor.

THE COURT: All right.

Bring the jury in.

(The jury entered the courtroom at 3:00 P. M.)

L I N D A

Y O U N G,

of 1441 Harvard Street, Northwest, Washington, D. C.,
having been called as a witness by the defendant,
Huggins, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Are you known by any other name?

A Yes, Ukali.

Q Do you have a last name?

A Bethea.

Q Ukali Bethea?

A Yes.

Q Are you sometimes known as Ukali Kupenda?

A Yes, at one time.

Q Where do you live?

A In Washington, D. C.

Q How long have you lived there?

A All my life.

Q Did you go to school in Washington, D. C.?

A Yes, I did.

Q What school did you attend?

MR. MARKLE: I will object to this, if the
Court please.

Are we going to go into character?

THE COURT: What bearing has that got?

MISS RORABACK: It has quite a bit of bearing.

I claim that it is important in terms of her background.

THE COURT: I will sustain the objection.

MISS RORABACK: May an exception be noted.

THE COURT: An exception may be noted.

MR. GARRY: I will join in that.

THE COURT: Exception for you, too.

BY MISS RORABACK:

Q Are you acquainted with an individual named George Sams?

A Yes.

MR. MARKLE: I will object, if the Court please.

THE COURT: The jury is excused.

(The jury was excused at 3:02 P. M.)

MR. MARKLE: My claim, your Honor, is that Mr. Sams was asked about this on cross, out of the direct.

THE COURT: What names were asked?

MR. MARKLE: Kupenda, K-u-p-e-n-d-a, also known as Linda Young.

THE COURT: How about the other name?

MR. MARKLE: I don't know whether she asked him about the other name. I just know that name was used, Kupenda. I don't think, probably she wasn't using that name at the time.

MISS RORABACK: I would claim, No. 1, that the fact that George Sams knew this young lady, knew her by this name, knew her extremely well over a period of time --

THE COURT: Which name?

MISS RORABACK: -- running through 1969 --

THE COURT: Which name are you talking about? Linda Young?

MISS RORABACK: Linda Young and Ukali Kupenda, at least those were the two names asked of him.

THE COURT: You're claiming --

MISS RORABACK: He knew her, and that goes to his credibility, your Honor.

THE COURT: I'll sustain the objection.

Bring the jury back.

MISS RORABACK: If your Honor please, may I be heard further, because there's a good deal more to be asked on this. I would submit, your Honor, that Mr. Sams lived with this young lady for several months, that he exhibited violence towards her, that on one occasion he beat her up in a very violent manner, and that when he realized the extent of the injuries, that she had sustained, -- her face was swelling and so forth -- that he then began to cry and became quite incoherent. It's an example and other examples that she knows of, examples of his mental instability, his propensity toward violence.

She also has knowledge as to his reputation for truth and veracity. She has, she's qualified -- and I would submit, your Honor, I'd like to argue this point as well -- she's qualified under our law, and general law to testify as a lay person as to his sanity and mental condition, and that, for those reasons, she should be permitted to testify as to her relations with Mr. Sams and as to the background of these opinions.

I would like to read, your Honor, a quotation

in the case of Connecticut Mutual Life Insurance Company versus Lathrop, 111 U. S. 612, in which the Supreme Court of the United States said, "Whether an individual is insane is not always best solved by abstruse metaphysical speculations, expressed in the technical language of medical science. People of ordinary intelligence, can recognize and understand the appearance and conduct of insane persons in some instances. Their judgment, based on personal knowledge of circumstances, may be of value. Their estimation of the person's sanity, which must be based on the totality of his behavior, is close to being a statement of fact. At least a person's mental condition can never be proved more conclusively than by this way."

THE COURT: Miss Roraback, you're missing the point here. You cross-examined Mr. Sams, you asked him if he knew this lady, and he said "No." You're stuck with the answer and that's what our Supreme Court holds.

MISS RORABACK: You mean if I hadn't asked that question I could have put her on the stand for this purpose?

THE COURT: Yes.

MISS BORABACK: If your Honor please, I also submit to your Honor that whether or not he told the truth on that occasion, she should have the right and we should have the right to produce her as a witness to testify as to his mental capacity.

I cited your Honor earlier in the case of Hayes versus Candee, 75 Conn. 131, and in that case at Page 138, our Supreme Court recognized the propriety of producing witnesses to testify as to the facts of the mental state or mental condition of an individual.

I would also submit to your Honor -- and I'd like to continue my argument on that score -- that rule, which was recognized in our court, has been sort of elaborated on at some length in the decision of State versus Bishop, a Vermont decision in 1969, 260 Atlantic 2nd, 393. The Vermont Supreme Court there said, "Whenever the sanity or insanity of an individual is in issue, witnesses other than expert or professional men may relate their personal observations of the person whose mental condition is in question, so far as those observations tend to throw light upon that issue. A non-expert witness may give his opinion as to the sanity or insanity of another, when based upon conversations or dealings

which he has had with such person, or upon his appearance, or upon any fact bearing upon his mental condition, with the witness' own knowledge and observations, he having first testified to such conversations, dealings, appearances or other observed facts, as the basis for his opinion."

And I would call your Honor's attention, as well, although this is not specifically on the question, dealt with in Bishop, to the more recent case in our Connecticut Supreme Court, the Gelinas decision, which was issued, I believe, --

MR. GARRY: In January.

MISS RORABACK: In January.

THE COURT: I'm familiar with it, Judge Devlin's.

MISS RORABACK: And there our Supreme Court said, quoting from a prior case, State versus Blake, "Connecticut adopted the better, although probably still the minority, ruled that character may also be proved by the opinion evidence of those who have been shown to have had an opportunity to form, and who have formed an opinion as to the character of the individual with respect to the trait or traits in issue."

I would submit to your Honor that Mr. Sams's mental condition, his propensity toward violence,

his reputation for truth and veracity, his reputation for playing fast and loose with truth, and fashioning facts to whatever dramatic version he may wish to make of them on any occasion, I think all of these are issues into which we should be able to do on the doctrine of these cases, and I would submit to your Honor that I should have an opportunity to explore them in front of the jury.

THE COURT: Exception may be noted.

Call the jury.

MISS RORABACK: I have one other question, your Honor, of the witness in front of the jury.

MR. GARRY: If your Honor please, while -- may I be heard?

THE COURT: Surely.

MR. GARRY: It may very well be that Miss Roraback may have asked these questions about "Young," and the other name. I did not.

THE COURT: I know you didn't.

MR. GARRY: So I will take this, as my witness.

THE COURT: All right.

MR. MARKLE: Well, does your Honor want argument on that?

THE COURT: All right.

MR. MARKLE: I still respectfully submit to your Honor that we are going into a collateral issue. In addition to that, on what they have just said, they are now going into specific acts. What they are trying to do is show specific acts of misconduct.

THE COURT: I'll rule on them as they come up. But at least he can get off the ground with this one.

Miss Roraback can't. Our Supreme Court specifically said, you use that method, ask that question, and their language is, "That is the end of the matter."

But insofar as you're concerned, Miss Roraback, I'll sustain the objection. You may take an exception.

MISS RORABACK: I'll take an exception.

THE COURT: You say you have one other question?

MISS RORABACK: I wish to make it clear on the record -- I'll ask another question when the jury is back in -- but I wish to make it clear on the record, your Honor, I think I might have been foreclosed from asking the questions as to her acquaintance with Mr. Sams -- and I would take exception to that ruling even, but -- as to the extent that that might go to the question of his truthfulness -- but I'm not -- I would take serious exception to being barred from asking any questions that go to Mr. Sams' reputation.

THE COURT: Take an exception, Miss Roraback.

MISS RORABACK: I am, your Honor.

THE COURT: Call the jury.

(The jury entered the courtroom at 3:10 P.M.)

THE COURT: I sustained the objection that was made. And now, Miss Roraback?

MISS RORABACK: May we have the last question read?

(The court reporter read as follows: "Q And did you go to school in Washington, D.C.? A Yes, I did." "What school did you attend?")

THE COURT: I thought your question was, do you know George Sams? And then an objection was made, and that's when the jury was excused. That's my recollection.

Is that yours, Mr. Garry?

MR. GARRY: Yes.

THE COURT: Is that yours, Mr. Markle?

MR. MARKLE: Correct, your Honor.

MISS RORABACK: And I was not permitted to ask the question, whether or not she knew Mr. Sams. Do I understand that's the ruling?

THE COURT: I -- that's right.

MISS RORABACK: I could not even ask the question, whether or not she knew Mr. Sams?

THE COURT: No. You can ask the question but I won't let it go beyond that.

MISS RORABACK: Then, may I have an answer to that question?

THE COURT: All right. It may be answered.

MR. MARKLE: May I have an exception, your Honor?

THE WITNESS: What's the question, again?

MISS RORABACK: I'll ask you for the record.

BY MISS RORABACK:

Q Do you know an individual named George Sams?

A Yes, I do.

Q And when did you first meet Mr. Sams?

A In the winter --

MR. MARKLE: I'm going to object.

THE COURT: Sustained.

MISS RORABACK: May an exception be noted, your Honor, for all the reasons previously given?

THE COURT: For all the reasons on the record.

MISS RORABACK: Thank you, your Honor.

I have no other questions.

CROSS-EXAMINATION BY MR. GARRY:

Q Miss Young, I'm going to ask you a few questions. You say you do know Mr. George Sams, Jr.?

A That's correct.

Q And when did you first meet him?

A In the winter of 196 --

MR. MARKLE: I'm going to object, if the Court

please.

THE COURT: Wait a minute.

MR. MARKLE: I'm going to object, if the Court please.

THE COURT: The grounds?

MR. MARKLE: I think it's irrelevant. It's no part of my case, it's brought out collaterally by both and I don't think it's relevant.

THE COURT: I don't know whether it is or not at this point.

MR. MARKLE: Well, can we have a period of time in which she met him?

THE COURT: I guess that's what he's trying to find out.

When did you first meet him, is the question.

MR. MARKLE: I'll wait.

BY MR. GARRY:

Q When did you meet Mr. Sams first?

A In the winter of 1968.

Q And when is the last time that you saw Mr. Sams thereafter?

A The middle part of May, 1969.

Q And where did you first meet him?

MR. MARKLE: Your Honor --

A I met him --

MR. MARKLE: -- I'm going to object to this, if the Court please. It's 1968, and it's irrelevant.

THE COURT: I'll overrule the objection at this point.

MR. MARKLE: Exception, your Honor. May I have an exception?

THE COURT: Exception may be noted.

THE WITNESS: Shall I answer?

A I met him at a mutual friend's house by the name of Mickey Lassiter. We were living together.

THE COURT: Wait a minute --

A Well, he came in while I was staying there --

THE COURT: Wait a minute, Madam. That's not an answer.

The question is a very simple one: Where did you meet him?

THE WITNESS: All right. I answered that.

BY MR. GARRY:

Q Now, Miss Young, during the period of time between the first time you met him -- you said in the winter of '68 -- and the last time you saw him -- sometime in the middle of May of 1969, -- during that period of time how often did you see Mr. Sams?

A For three, for three months I saw him --

THE COURT: Now, listen to that question: How often did you see Mr. Sams?

THE WITNESS: Well, I was, I was answering.

THE COURT: All right. Go ahead.

THE WITNESS: For about three months we lived together --

THE COURT: Answer that question. Now, Madam, all he asked you was, how often did you see Mr. Sams? Now, answer that question.

THE WITNESS: Quite a lot.

THE COURT: All right.

BY MR. GARRY:

Q When you say "Quite a lot," will you tell us whether you saw him on a daily basis, weekly basis, a monthly basis?

A Okay. For about three months I saw him on a daily basis. After that I saw him on a weekly basis, normally.

MR. MARKLE: Your Honor, may I have that answer read?

THE COURT: Read it, Mr. Reporter.

(The court reporter complied.)

BY MR. GARRY:

Q Now, when you talk about the winter of '68, what months do you have in mind?

A November, December.

Q And what else?

A Well, January, '69.

Q And when you saw him in the manner that you have described, will you tell us geographically where it was at, at what state or what town?

A It was in Washington, D. C.

Q And Miss Young, during that period of time, did you have occasion to observe his character as to truth and veracity?

A Yes, I did.

Q And what was his reputation for truth and veracity?

MR. MARKLE: I'm going to object now, if the Court please. On a three month basis, I don't think it's a test in this case. I don't think it meets the qualifications, your Honor.

THE COURT: I'll overrule the objection. That goes to the weight.

MR. MARKLE: Might I have an exception?

THE COURT: Exception noted.

THE WITNESS: Well, he constantly lied within the household. He was constantly caught lying. He would say one thing one day, and the very next, it would be a complete opposite story.

BY MR. GARRY:

Q Now, Miss Young, can you tell me during the period of time that you knew him, from the winter, the months that you have indicated, did you observe his behavior as to propensity towards violence?

A Oh, he was very vicious and brutal. He had a cane that he would carry with him --

THE COURT: Wait a minute, wait a minute.

You've answered it.

THE WITNESS: All right.

BY MR. GARRY:

Q And at any time did you, yourself, witness his propensity towards violence?

MR. MARKLE: I'm going to object to this, if the Court please.

THE COURT: It may be answered "Yes" or "No."

THE WITNESS: Yes.

BY MR. GARRY:

Q And would you describe what you observed?

MR. MARKLE: I'm going to object to this.

THE COURT: Sustained.

MR. GARRY: Take an exception, your Honor.

THE COURT: Exception may be noted.

BY MR. GARRY:

Q Did you, during the period of time you knew him, observe whether he carried weapons?

A Yes, he did.

Q And did you, during the time that you knew him, observe him use any of the weapons?

MR. MARKLE: I'm going to object.

THE COURT: Sustained.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

BY MR. GARRY:

Q Miss Young, were you able, during the period of time that you observed Mr. Sams, able to determine whether Mr. Sams was mentally rational or not?

A No, sir.

MR. MARKLE: I'm going to object to that.

THE COURT: Sustained.

MR. GARRY: Exception, your Honor.

THE COURT: Did you get an answer, Mr. Reporter?

(The court reporter answered affirmatively.)

THE COURT: Strike it.

If the jury heard it, ignore it.

BY MR. GARRY:

Q During the period of time -- is my exception noted?

THE COURT: Exception may be noted.

BY MR. GARRY:

Q During the period of time that you knew Mr. Sams, did he at any time tell you that he resented and hated Bobby Seale?

A Yes.

MR. MARKLE: Objection.

I'm going to object.

THE COURT: Now, young lady, wait, please.

MR. MARKLE: May it be stricken, your Honor?

THE COURT: I didn't hear the answer, but there was some words said.

Did you hear them, Mr. Reporter?

(The court reporter answered affirmatively.)

THE COURT: The objection is sustained.

The answer, whatever part of it you got, Mr. Reporter, may be stricken, and the jury is directed to ignore it.

MR. GARRY: I take exception to that.

THE COURT: Exception may be noted, Mr. Garry.

MR. GARRY: May I be guided by the Court -- may the jury be excused?

THE COURT: I think you can go along. I think we are moving along all right.

MR. GARRY: I just wanted to -- well, I just want to know whether the objection was on the question of form or was on the question of substance?

If it's on form --

THE COURT: Read the question, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter.)

THE COURT: I am going to reverse myself. I am going to let that -- number one, the question is bad as to form.

Rephrase it, and I think I will let you get an answer.

MR. GARRY: Thank you, your Honor.

BY MR. GARRY:

Q Miss Young, during the period of time that you knew Mr. Sams, was there ever a discussion regarding Mr. Bobby Seale?

A Yes, many times.

Q And what did he say regarding Bobby Seale?

MR. MARKLE: I am going to object to this.

THE COURT: No, I'll let it stand on the question of veracity and credibility.

MR. MARKLE: May I have an exception, your Honor?

THE COURT: Exception may be noted.

THE WITNESS: At one time, when I first met him,

he said that he loved Bobby Seale and Huey Newton, both, and then, another time, when he was very upset over the fact that he had been expelled at one time for stabbing someone, he said that he hated and resented Bobby because it was him who had him purged, and if it wasn't for Stokely, he'd never have gotten back in, and that he would get even one day.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

CROSS-EXAMINATION BY MR. MARKLE:

Q When did this conversation take place, Miss Young?

A It took place during the three months that we lived regularly together.

Q Three months?

A Yes, that's correct.

Q And you're sure of that three-month period?

A Yes, I am.

Q Do you remember testifying in this court, on a previous occasion, and saying you lived with him for two months?

A It was between two and three. It was quite --

Q Now it's two or three?

A Well, it was closer to three.

Q Closer to three?

A Yes.

Q And yet, on two occasions, you answered you lived in the same house with George Sams for two months?

MISS RORABACK: If your Honor please, I would like to ask what page Mr. Markle is referring to.

MR. MARKLE: Absolutely. 1537 is the first page.

MISS RORABACK: Which says "About two months," I believe.

THE COURT: Take it up on redirect, Miss Roraback.

MISS RORABACK: Thank you.

MR. MARKLE: And the other one is 1543.

BY MR. MARKLE:

Q Now, you were living with him two months, is that not correct?

A Between two and three.

Q Between two and three?

A Yes, that's correct.

Q And it was after that -- in 1968, you didn't see him again until 1969, isn't that true?

A No. I saw him in 1969. I saw him up until -- I saw him up until January of 1969, and then he left and came

back once in a while.

Q He came back once in a while?

A Very frequently, but he didn't live at the same place, and I saw him off and on. I knew when he was in town.

Q Where did you see him off and on?

A Well, I saw him at where I lived, after I had moved from Mickey Lassiter's, and I saw him at various other mutual friends' house.

Q And, in other words, you kept up your relationship with him after?

A No. I stayed out of his way.

Q You stayed out of his way?

A Yes.

Q And do you recall saying that George Sams lived with you and Mickey Lassiter the same time you were staying there?

A That's correct, and his wife.

Q Whose wife?

A Mickey Lassiter's wife.

Q Were you a Panther at that time?

A No, I wasn't.

Q Are you a Panther now?

A Yes, I am.

Q I can't hear you.

A Yes, I am.

Q When did you join the Panther Party?

A I became a Panther June 19, 1970.

Q June 19, --

A Yes, 1970.

Q -- 1970?

A Yes.

Q And are you a Panther today?

A Yes, I am.

Q And during that period of two to three months, that's January -- November and December of 1968, is that right?

A That's correct.

Q And what was George Sams at that time; was he a Black Panther?

A He claimed to be.

Q He claimed to be?

A That's correct.

Q Did he move with the Black Panthers at that time?

A There were none in Washington, D. C.

Q Not one?

A Not that I knew of, except him.

Q In January of 1969?

A That's correct.

Q In May of 1969, when you saw him, was he a Panther?

A I have no idea. I saw him quite quickly.

Q In other words, you lived with him for those two or three months, and you weren't sure he was a Panther, is that right?

A He claimed to be. I wasn't sure. I wasn't one. All I knew is him.

Q And then, in 1969, you weren't sure that he was a Panther?

A Sure. I never called out to find out if he was or

not. I just knew what he said.

Q And that's what you knew about him. Where did he live? Where did he come from?

A Well, he came from many places. He claimed Detroit, he claimed the South, he came from Canada --

Q Before you met him --

MR. GARRY: I don't think she finished.

THE COURT: Have you finished, Ma'am?

THE WITNESS: No, I haven't.

THE COURT: Go ahead.

THE WITNESS: He also claimed he came from California.

BY MR. MARKLE:

Q He did claim he came from California?

A These were the four different places he mentioned, you know, as staying.

Q Okay. Did you know of any home address for him?

A No, I don't.

Q When he went to California, he wasn't staying with you?

A I don't know --

Q Did you ever reach him --

A I don't know where he went.

Q You don't know where he went after he left you.

He left in January, 1969?

A No. I wasn't concerned.

Q And you didn't see him until May of 1969?

A Yes. I saw him off and on.

Q Where did you see him?

A I would see him when someone would come to town.

It would be like if Stokely Carmichael might come to town, you might see him at Howard University or see him at people's houses, friends -- friends' houses, he would pop into all of a sudden.

Q This had to do with Black Panther activities?

A No. No, it did not have to do with Black Panther activities.

Q Was Mr. Carmichael in the Party at that time?

A Yes, he was, I think.

MR. MARKLE: I have no further questions, your Honor.

RECROSS EXAMINATION BY MR. GARRY:

Q You stated to Mr. Markle that you stayed out of Mr. Sams' way. Why did you stay out of his way?

A Well, he attempted to rape me and he beat me once.

MR. MARKLE: I didn't hear that.

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MR. GARRY:

Q When was this that he tried to do this?

A This was nearly -- this was in January, 1969.

Q January of '69. Would you describe to the Court and jury what he tried to do?

A Can I start from the beginning?

THE COURT: You go ahead and answer the questions. If there is an objection, I'll rule on them. Don't you --

MR. MARKLE: I am going to object, if your Honor please.

THE COURT: I will sustain the objection, if there is an objection.

MR. GARRY: Take an exception, your Honor.

THE COURT: Exception may be noted.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

RE CROSS EXAMINATION BY MR. MARKLE:

Q When he attempted to beat and rape you, were you not living with him at the time?

A I was not living with him. I was living at a house where he was living.

Q Didn't you tell the ladies and gentlemen of the jury and me that you were living with him?

A I was living in the same house. I'm sorry if I gave that impression.

MR. MARKLE: I have no further questions.

THE COURT: You mean you were not living with him?

THE WITNESS: He was in the same house. I was not -- how do you -- I was not staying in the same room. We were living in the same house.

Does that clarify it?

I don't understand. Is there a problem?

RE CROSS EXAMINATION BY MR. GARRY:

Q You never at any time carried on a husband and wife relationship with Mr. Sams?

A No, never, not at all.

MR. GARRY: All right.

RE CROSS EXAMINATION BY MR. MARKLE:

Q What you are telling us about what you observed is from being in the same house with him?

A In the next room.

Q In the next room?

A In the house.

Q I got that.

A We ate dinner together.

Q Did you know where he went during the day?

A He never went anywhere except once in a while.

Q Stay in the room?

A Not in the room, throughout the house. He ruled the house.

Q He ruled that house?

A You could say that.

Q Was Mickey Lassiter a Panther?

A No, sir, he wasn't.

Q He had nothing to do with the Panther Party?

A He knew Panthers.

Q And so, November and December and January, he just stayed in that house and ruled that house?

A He usually did. He might go somewhere but it would be around the corner to the store and right back.

Q And you were free to come and go?

A Sometimes.

MR. MARKLE: I have no further questions.

RECROSS EXAMINATION BY MR. GARRY:

Q I believe you also stated you became a Panther in June of 1970, is that correct?

A That's correct.

Q Why didn't you join the Panthers before then?

MR. MARKLE: I am going to object, if the Court please.

THE COURT: Sustained.

BY MR. GARRY:

Q Was there any reason why you didn't join the Black Panther Party before then?

A Yes.

MR. MARKLE: Objection.

THE COURT: Sustained.

MR. GARRY: Exception on both, your Honor.

THE COURT: Exception may be noted.

MR. GARRY: No further questions.

THE COURT: Anything further, Mr. Markle?

MR. MARKLE: No, sir.

THE COURT: You may step down.

(The witness was excused.)

THE COURT: We will have our afternoon recess,

ladies and gentlemen.

(The jury was excused at 3:34 P. M.)

THE COURT: Recess, Mr. Sheriff.

(The court recessed at 3:35 P. M.)

(Page 2604 follows - no omission)

(The court reconvened at 3:50 P.M.)

MR. MARKLE: If your Honor please, before the jury is brought in, I am going to move to strike that last witness' testimony.

I don't think there is any basis in this State for that kind of opinion evidence to come in. She did not live with him. She did not know him. She didn't even know where he came from.

To allow that testimony to stand on the record is reprehensible, as far as the State's interests are concerned, and I move to strike it.

THE COURT: Did you say she didn't know where he came from?

MR. MARKLE: She didn't know that. How can she give an opinion as to character? She lived in the next room. She didn't even know what he did in Washington.

THE COURT: She said she saw him every day for a period of two to three months, from late '68 into early '69.

The length of time here goes to the weight.

I will deny your motion.

MR. MARKLE: And I am moving -- just so it will be clear, your Honor -- I am moving under State

versus Gelinias, which cites Richmond versus Norwich, 92 Conn. 582, at 593, which states that opinion evidence must have been given by someone who has an opportunity to form and who has formed an opinion as to the character of the individual with respect to the trait or traits in issue. I respectfully submit that this has not been done in this case, and I take exception to it.

THE COURT: I deny your motion.

MR. GARRY: I wonder if we could adjourn.

Mr. Seale is not feeling well.

THE COURT: You want to quit for the day?

MR. GARRY: Yes.

THE COURT: Call the jury.

(The jury entered the courtroom at 3:53 P.M.)

THE COURT: Ladies and gentlemen, you are going to get an early start to go home tonight. Mr. Seale isn't feeling well and counsel think that it is better that we recess now.

I am going to excuse you now until 10:00 o'clock tomorrow morning.

Bear in mind what I have to say every day to you, like a broken record, but it is so important that you follow my instructions.

Stay away from any TV broadcasts or radio broadcasts of any news stories, periodicals or newspapers or magazines concerning either this case or any related case or anything about the Panther Party or any of their officials, stay away from that.

And, of course, no discussions with anyone about those matters.

Finally, remember that we hear new witnesses every day and we wait until we hear it all before we start thinking about it.

Tonight it appears to be pleasant. Tomorrow it is going to be bad. Enjoy tonight. I am happy to get you out early today.

Safe home and see you 10:00 o'clock tomorrow morning.

(The jury was excused at 3:55 P.M.)

THE COURT: All right, prepare to recess.

Adjourn court, Mr. Sheriff, until 10:00 o'clock tomorrow morning.

(The court adjourned at 3:57 P.M.)

W I T N E S S E S

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
CRAIG STANLEY GOUTIER				
(By Miss Roraback)	2406		2521, 2529	
(By Mr. Garry)		2443		2523, 2528
(By Mr. Markle)		2462		2524
VALERIE WHITE				
(By Mr. Garry)	2531		2563	
(By Mr. Markle)		2541		2564
(By Miss Roraback)		2567		
LINDA YOUNG				
(By Miss Roraback)	2572			
(By Mr. Garry)		2583		2599, 2600, 2602
(By Mr. Markle)		2593		2600, 2601

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
1	Ten Point Program		2408

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
<u>DEFENDANT RUGGINS' EXHIBITS</u>			
6	Photograph		2429
7	Photograph		2429
8	Photograph		2429
9	Photograph		2429
10	Photograph		2429
11	Photograph		2427
12	Photograph		2429
13	Tape Recorder	2423	
14	Photograph	2443	2447
15	Photograph	2443	2452
16	Photograph	2443	2452
17	Photograph	2443	2452
18	Photograph	2443	2452
19	Photograph	2443	2452

EXHIBITS FOR THE DEFENSEDEPENDANT SEALE'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
18	Tape recorder	2423	
19	Photograph of vicinity of 363 Orchard Street	2443	2447
20	Photograph	2443	2452
21	Photograph	2443	2452
22	Photograph	2443	2452
23	Photograph	2443	2452
24	Photograph	2443	2452

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& Jury (12)

D MARKLE
ate's Attorney, New Haven County
1 Elm Street
w Haven, Connecticut

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RINE G. RORABACK
9 Church Street
New Haven, Connecticut

presenting the defendant
Ericka Huggins

ES R. GARRY, ESQ.
1 Market Street
San Francisco, California

- and -

ROSEN ESC

ROSEN, ESQ.
5 Chapel Street
New Haven, Connecticut

presenting the defendant
Bobby G. Seale

M O R N I N G S E S S I O N

Thursday, May 6, 1971

(The court opened at 10:10 A.M.)

THE COURT: All set, counsel?

MR. GARRY: Yes.

THE COURT: Call the jury.

(The jury entered the courtroom.)

THE COURT: Good morning, ladies and gentlemen.

Miss Roraback?

MISS RORABACK: Mr. Garry will take the next witness.

THE COURT: Mrs. Shirley Wolterding, please.

S H I R L E Y

W O L T E R D I N G,

of 501 West 121st Street, New York City,
having been called as a witness by the defendant
Seale, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MR. GARRY:

Q Mrs. Wolterding, will you please state your name again, please?

A My name, again?

Q Yes.

A Shirley Wolterding.

Q And you live in New York City?

A That's correct.

Q Miss Wolterding, what is your educational background?

A Well, I attended Columbia University. I've attended NYU for a semester. And I'm presently occupied in the field of psychotherapy for drug rehabilitation.

Q And could you speak a little louder, please.

And you also have teaching credentials, do you?

A Yes, I have taught before.

Q And what grades have you taught?

A I've taught in early childhood education, primarily Montessori.

Q Now, calling your attention during the month of May

Q of 1969, were you a member of the Black Panther Party?

A Yes, I was.

Q And which particular branch, if any, did you belong to?

A I belonged to the Lower East Side Chapter; but in May of 1969 I was operating out of the Harlem Chapter of the Black Panther Party.

Q And for what period of time were you a member of the Black Panther Party?

A Excuse me?

Q For what period of time were you a member of the Black Panther Party?

A From October, 1968, until July of 1969.

Q And why did you leave the Black Panther Party?

MR. MARKLE: I'm going to object to this, if the Court please.

THE COURT: Sustained.

MR. GARRY: Exception, your Honor.

THE COURT: Exception noted.

BY MR. GARRY:

Q Miss Wolterding, during the period of May of 1969, the latter part of April -- whatever period of time -- did you have occasion to see Mr. George Sams, Jr.?

MR. MARKLE: May I have that period?

THE COURT: Read it, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter.)

MR. MARKLE: I'm going to object, if the Court please, unless we are in a relevant period.

THE COURT: Are we talking about April and May, 1969?

MR. GARRY: Yes.

THE COURT: Is that what we are talking about?

MR. GARRY: Yes.

THE COURT: All right. That's the period.

A Yes, I met Mr. Sams on a number of occasions.

(Page 2416 follows; no omission.)

BY MR. GARRY:

Q Well, you recall approximately the first time, the period of time that you met Mr. Sams?

A Yes, I do. It was in front of the Black Panther office on 7th Avenue in New York.

MR. MARKLE: May I have when, your Honor?

BY MR. GARRY:

Q Can you tell us when, approximately?

A That was approximately April of 1969, or the early part of May.

Q By the way, Mrs. Wolterding, you testified in the case of the People versus McLucas, did you not?

A Yes, I did.

Q And I have interviewed you in the last two days, two or three days?

A I met you on one occasion when I came in to let everyone know that I had arrived in New Haven. And I saw you very briefly yesterday.

Q And I made available to you your testimony that you gave in that case, did I not?

A Correct.

Q And you have the benefit of reviewing that testimony, have you not?

A Yes; I wanted to.

Q And so that, so you have read your own testimony?

A Yes, I have, I've reviewed it.

Q And the questions I have gone over with you have been in the area of what you have heretofore testified, isn't that correct?

A That's correct.

Q Now, Mrs. Wolterding, tell us about the first time that you met Mr. Sams.

A The first time I met George Sams was in front of the Black Panther office. He was walking around, and he approached me, and he asked me, what was my name. I replied that my name was Shirley. And he said, "I'm glad to meet someone with the name; the rest of those crazy motherfuckers have African names." And he told me that he was from California, and would I accompany him somewhere on 8th Avenue in Manhattan, for he had previously lived there when he was younger.

So we got in a cab because he said he had bad feet. And when we came to 8th Avenue, we went into this dilapidated house, and there was some other people there whom he said were friends of his. He sent out for something, which I didnot know, and when they came back they had some dope -- which he made me take, some of the dope.

Q What kind of dope was it, Miss Wolterding?

A Heroin.

Q Heroin?

A Yes.

Q Go ahead.

A I refused to take it.

MR. MARKLE: If your Honor please, I'm going to object to this. First of all, your Honor, it's not relevant, and secondly, it's collateral and not admissible. And I'm going to ask that it be stricken.

THE COURT: Sustain the objection.

MR. MARKLE: I ask it be stricken, too, your Honor.

MR. GARRY: I'm going to, I'd like --

THE COURT: I'll order it stricken.

MR. GARRY: I'd like to argue the matter, if I may.

THE COURT: All right. The jury is excused.

(Whereupon, at 10:20 A. M., the jury was excused.)

MR. GARRY: If the Court please, this goes to the very credibility of the only witness that puts Mr. Seale into this case in any way possible, and for us to be cut off in an area where it goes to the very credibility of the so-called star witness of the prosecution, to me, is highly prejudicial.

THE COURT: The trouble is, Mr. Garry, it does not go to the credibility. It shows, apparently, that Mr. Sams might have been a very bad fellow morally, but it doesn't go to credibility. If it did, I'd let it in.

MR. GARRY: It goes to his being a liar.

THE COURT: Nothing that I have heard so far.

MR. GARRY: He testified in this courtroom -- in this courtroom -- that he has not used heroin at any time.

THE COURT: That was on cross-examination.

MR. GARRY: Yes.

THE COURT: On that basis alone, you are stuck with his answer. That's what our Supreme Court holds. The same ruling I had to make for Miss Roraback yesterday.

MR. GARRY: Then Miss Roraback didn't ask that question and she can.

THE COURT: You did, you say?

MR. GARRY: Yes, I did, when was the last time that he ever used heroin.

THE COURT: Any law you care to give me or anything else you'd like to put on the record, go ahead.

MR. GARRY: I'd like to put it on the record while in the absence of the jury that Mr. Sams was engaged in the use of heroin at the very first time that Mrs. Wolterding met George Sams. He made her, under the threat of her life, take some heroin and she got ill as a result of it, and this goes to the very essence and the credibility of a man that we consider to be highly perjurious, and to keep us from putting that evidence in so that the jury will see what a liar this man was and that his testimony is not to be believed under any circumstance, is highly prejudicial.

Now, your Honor says that is the law of this state. Of course, I am bound by whatever you say the law of this state is.

THE COURT: Take your exception on the record.

MR. GARRY: And I would like to take an exception.

THE COURT: Exception.

Call the jury, Mr. Sheriff.

(The jury entered the courtroom at 10:22 A.M.)

THE COURT: All right.

Ladies and gentlemen, I have heard Mr. Garry's arguments. I adhered to the ruling I made.

The objection is sustained.

This testimony is ordered stricken, and I direct that you forget completely about it, put it completely out of your mind.

All right.

(Page 2622 follows; no omission.)

BY MR. GARRY:

Q Mrs. Wolterding, how many times did you see Mr. Seale --Mr. Sams during the period of May of 1969, roughly, how many times?

A Approximately seven or eight times.

Q During that period of time, you had occasion to observe his demeanor and his conduct, is that correct?

A Yes.

Q And were you able to determine his reputation for truth and honesty in the community at that time?

MR. MARKLE: I am going to object to this, your Honor.

THE COURT: I am going to sustain the objection.

I don't think that's a sufficient foundation for an opinion of that type.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

BY MR. GARRY:

Q In the period of time that you knew Mr. George Sams, were you able to determine for yourself his propensity for truth or falsity?

MR. MARKLE: Objection, your Honor.

THE COURT: Grounds?

MR. GARRY: That is within the Supreme Court decision, your Honor.

THE COURT: Grounds?

MR. MARKLE: The same grounds. There is no opportunity, no showing of any way she could know his truth and veracity in the community.

THE COURT: I will sustain the objection.

I know the case you are referring to, Mr. Garry, but, of course, there has to be a foundation.

MR. GARRY: Exception.

THE COURT: Exception.

MR. GARRY: May I proceed to lay a foundation?

THE COURT: You should have done that, in the first place.

MR. GARRY: I thought I had. I thought I had.

THE COURT: I thought she answered that she had seen him some seven or eight times.

MR. GARRY: Now, I want to lay a foundation over what period of time and what length of time she saw him.

THE COURT: Go ahead, Mr. Garry.

BY MR. GARRY:

Q Mrs. Wolterding, in the seven or eight times that you saw him, on each occasion how much time would you say you spent in and around Mr. Sams?

A I spent a considerable amount of time. I was doing some study in the field of psychotherapy at that time and I

was able to observe him quite a lot.

MR. MARKLE: I am going to object to what she was studying.

THE COURT: Why didn't you object earlier, Mr. Markle? It is all in and then you object.

MR. MARKLE: Because I don't know what her answer is going to be.

THE COURT: Her answer isn't responsive, of course.

MR. MARKLE: And I ask that it be stricken.

THE COURT: It may be stricken.

Read the question, Mr. Reporter, so the young lady will have an opportunity to answer it.

(The last question by Mr. Garry was read by the court reporter.)

THE WITNESS: Answer?

BY MR. GARRY:

Q Let's take the first time that you saw him. How much time did you spend with Mr. Sams, the one that you testified to that the Judge struck the answer that you gave?

A I spent an entire afternoon with Mr. Sams on that particular day.

Q When was the next occasion that you remember?

A It was at the house on 166th Street.

Q Would you give us a kind of a run-down of the period

of time that you spent where he was around and you were around.

A I spent enough time to get to know him. We slept in the same house.

MR. MARKLE: Objection.

THE COURT: No speeches, Madam, please.

The question is, how much time did you spend with him?

THE WITNESS: I couldn't specifically say, your Honor.

THE COURT: Clear it up.

BY MR. GARRY:

Q You say you slept in the same house with him?

MR. MARKLE: I object. This is leading --

MR. GARRY: She answered that question. I am only repeating it.

THE COURT: Relax. Your question was how much time did she spend with him on that second occasion at the house on 166th Street. Let's get that straightened out.

BY MR. GARRY:

Q Let's talk about the second time. Give us a run-down of the period of time that you were with Mr. Sams on that second occasion?

A The second occasion, that's where he was staying at the present time -- at that time, we slept together, we ate

together and we studied there, so while he was in New York, that was the place that he stayed primarily.

MR. MARKLE: If your Honor please, she is asked the time and I don't think that with her background that she doesn't understand that question.

I ask it all be stricken. That she state the time.

THE COURT: I will let the answer stand all the way down to the last phrase.

I didn't hear what the last phrase was.

Would you read it, Mr. Reporter, the last part of the answer.

(The last part of the answer of the witness was read by the court reporter.)

THE COURT: I will overrule the objection.

MR. MARKLE: Can I have an exception.

THE COURT: Exception noted.

BY MR. GARRY:

Q When you say that you slept together, what do you meanby that?

A We slept in the same living quarters.

Q But you didn't sleep in the same bed, is that what you mean?

A No, no.

Q Did you at any time during the period of time that

you knew him, ever have sex with Mr. Sams?

MR. MARKLE: I am going to object to this, if the Court please.

THE COURT: Sustained.

BY MR. GARRY:

Q Now, over what period of time did you and Mr. Sams sleep in the same house together?

Aq Every night that he was in New York, he stayed at that particular address.

Q And over what period of time did that cover?

A April and May. Of course, Mr. Sams left and he came back. He would leave town, you know, and return, but when he was in New York, he stayed at that address.

Q And during that period of time, could you give us an estimate of the period of time that he actually stayed in the same household with you?

A He was there frequently. When he wasn't at the office, he was there sleeping or bathing or trying to give Political Education Classes to the people that lived there, to the other people there.

MR. MARKLE: May I have that answer read.

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MR. GARRY:

Q And could you give me the number of hours, could you give us an estimate of the number of hours that Mr. Sams lived in the same quarters, in the same household that you were at during the period of time that he was there?

A Approximately?

Q Approximately. I don't expect you to have a time watch.

A I would say that he spent at least twelve hours a day. Out of twenty-four hours, he spent half of that time at the house or around the house.

Q And over what period of time?

A From April to May.

Q Now, by virtue of the fact you spent this kind of time at this household, were you able to determine his reputation for truth and veracity in the community in which he lived at that time?

A There were too many discrepancies in his story --

MR. MARKLE: I object, --

THE COURT: It may be answered "Yes" or "No."

Answer that question, and counsel will put another.

BY MR. GARRY:

Q Do you want to hear the question first, Mrs. Wolterding?

A Yes.

THE COURT: Read it, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter.)

THE WITNESS: No, that he had no reputation.

MR. MARKLE: I'm going to object, if your Honor please.

THE COURT: The answer is "No."

MR. GARRY: I don't think she understood the question.

THE WITNESS: No.

Could you reread the question, please?

THE COURT: Do you want it read again?

THE WITNESS: Yes.

THE COURT: Read it, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter again.)

THE WITNESS: Yes.

BY MR. GARRY:

Q And what was that reputation for truth and veracity?

MR. MARKLE: I'm going to object.

THE WITNESS: He had none --

THE COURT: Wait a minute.

MR. MARKLE: I'm going to object.

THE COURT: Mr. Markle.

MR. MARKLE: First of all, she first answered the question, she had no problem understanding it, and then she is told she didn't completely understand the question, and now she says "Yes."

I am going to also claim that she did not have an adequate opportunity to know, and there is no showing, nothing here --

THE COURT: Sustain the objection.

MR. GARRY: I will take an exception.

THE COURT: Exception may be noted.

MR. GARRY: And I would like to argue this matter

to your Honor again.

May I?

THE COURT: All right, the jury is excused.

(The jury was excused at 10:31 A.M.)

MR. GARRY: If the Court please, these are the very same identical questions, except in a lot more detail, that your Honor permitted this witness to testify in the previous case.

THE COURT: It's what I do in this case and not any other case, Mr. Garry.

MR. GARRY: For the record, I would like to offer into evidence, so there will be a record of what your Honor previously ruled, this transcript, and I fall back on the theory of law of stare decisis.

THE COURT: Mr. Garry, argue your offer here, put your offer on the record.

MR. GARRY: I have here the testimony of this witness, who testified on Tuesday, August 18, 1970, your Honor.

THE COURT: Mr. Garry, let me ask you this -- no, go ahead.

Go ahead. All right.

MR. GARRY: And at this time, I will offer it, that it be identified as Defendant Seale's Exhibit --

THE COURT: For what?

MR. GARRY: For identification.

THE COURT: All right.

That would be No. 25.

(The testimony referred to was marked as
DEFENDANT SEALE'S EXHIBIT NO. 25 FOR IDENTIFICATION.)

MR. GARRY: And at this time, I will also offer
it into evidence as a defendant's exhibit.

THE COURT: You are offering it as a full ex-
hibit?

MR. GARRY: Yes, your Honor.

THE COURT: Go ahead and show it to counsel.

MR. MARKLE: I'm going to object to it, your
Honor.

I am familiar with her testimony. I object to
it.

THE COURT: I don't know what the purpose of
the offer is.

If you are offering it as a full exhibit, I will
sustain the objection.

MR. GARRY: I take an exception, your Honor.

THE COURT: Now, don't get yourself boxed in,
Mr. Garry. You offered it as a full exhibit, and I
sustained the objection, so now it's nothing.

Now, if you want it marked for identification,

you'd better have it marked for identification.

MR. GARRY: Then I will now offer it for identification, but I thought it was already in for identification.

THE COURT: Then you changed it to a full exhibit.

Now you are marking it for identification only?

MR. GARRY: All right.

THE COURT: All right.

MR. GARRY: It's in for identification now, your Honor?

THE COURT: That's right, No. 25.

All right, Mr. Garry?

MR. GARRY: Yes.

THE COURT: All right, call the jury, Sheriff.

(The jury entered the courtroom at 10:35 A.M.)

THE COURT: All right, Mr. Garry.

BY MR. GARRY:

Q Mrs. Wolterding, were you able to determine yourself your evaluation -- based upon the number of hours that you had spent in the same household with this man, George Sams, Jr., were you able to determine for yourself, his propensity for truth and/or falsity?

MR. MARKLE: Objection, your Honor.

THE COURT: Answer that "Yes" or "No."

THE WITNESS: Yes.

BY MR. GARRY:

Q And what was that?

MR. MARKLE: Object.

THE COURT: Sustained.

MR. GARRY: I take an exception.

THE COURT: Exception may be noted.

BY MR. GARRY:

Q Mrs. Wolterding, did you have occasion to see Mr. Sams and have a conversation with him after he came back from New Haven?

A Yes, I did.

Q Tell the Court and jury what that conversation was, as nearly as you recall?

MR. MARKLE: I'm going to object to this,
if the Court please.

THE COURT: Grounds?

MR. MARKLE: It was limited. We did not go into that.

Your Honor will recall we were stopped, the State was stopped from going into anything that happened after that, at the request of the defense.

THE COURT: That's so, isn't it, Mr. Garry?

You made the objection, and I sustained it.

MR. GARRY: I made no objection, your Honor.

THE COURT: You both did, as I recall.

In any event, I did limit counsel, I stopped him.

MISS RORABACK: I was the one who made the objection.

MR. GARRY: I made no objection. I did not join in that objection, as I recall.

THE COURT: Well, in any event, I did stop him, didn't I?

MISS RORABACK: It was on my objection.

THE COURT: Well, whoever it was, I did stop him.

I will sustain the objection.

BY MR. GARRY:

Q Did Mr. Sams make certain admissions to you, certain threats, against your life?

MR. MARKLE: Now, --

THE WITNESS: Yes, he took --

MR. MARKLE: -- I object to this.

THE COURT: Sustained.

MR. MARKLE: May her answer be stricken?

THE COURT: The answer may be stricken.

MR. GARRY: I would like to take an exception,
but I would also like to argue --

THE COURT: You have a double-barreled question
there, Mr. Garry.

If you break it up, --

MR. GARRY: I will change the form.

THE COURT: -- you may be able to do something
with it, but the way it is now, --

MR. GARRY: I will change the form. I recognize
now it's a compound question.

BY MR. GARRY:

Q Did you have a conversation with Mr. Sams after
he came back from New Haven?

A Yes.

MR. MARKLE: I object to this, if the Court
please.

THE COURT: It may be answered "Yes" or "No."

The answer, Mr. Reporter, was?

(The last answer of the witness was read by the court reporter.)

THE WITNESS: Yes.

THE COURT: All right.

BY MR. GARRY:

Q What was that conversation?

MR. MARKLE: Objection, your Honor.

THE COURT: Now, I will sustain the objection unless --

THE WITNESS: Well, --

THE COURT: Wait a minute.

Wait a minute.

Now, what is your claim as to the conversation, Mr. Garry?

MR. GARRY: The conversation is an admission on the part of Mr. Sams. It goes to the very heart of this case.

THE COURT: All right, I will permit it.

MR. MARKLE: May I take an exception?

THE COURT: Wait. I'd better excuse the jury first, and let's hear it, and make sure we don't get in trouble.

(The jury was excused at 10:38 A. M.)

THE COURT: All right, go ahead, Mr. Garry.

MR. GARRY: Shall I ask what the conversation was?

THE COURT: You have asked her what the conversation was.

THE WITNESS: Can you read the question again, please?

THE COURT: Read it, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter.)

THE WITNESS: He proceeded to question me about --

THE COURT: No.

The question is: "What was the conversation?"

That means, what did he say to you.

THE WITNESS: Yes.

THE COURT: All right, repeat it.

THE WITNESS: Well, he was questioning me --

THE COURT: No. No. No.

He wants what the conversation was.

BY MR. GARRY:

Q Just say, "He said."

A Oh. He said that he suspected three persons of being pigs, I told him I knew nothing of it, he became very violent and told me he would give me what he had given Alex Rackley, and I had better respect him as a man. Prior to that, he had punched me in my face, and I was crying about my face, and he said, "You should have seen Alex's face." He said, "Bang. Bang. You should have that motherfucker's face," and he said that he offed him because he thought he was a pig, and that if he ever suspected me of being a pig, that he would off me as well.

THE COURT: Is that it, Ma'am?

THE WITNESS: Yes.

THE COURT: All right, I am going to sustain

the objection.

Take an exception.

Call the jury.

(The jury entered the courtroom at 10:40 A. M.)

MR. GARRY: I will take an exception.

THE COURT: Yes, Mr. Garry.

All right, ladies and gentlemen, I sustained the objection of counsel to that last question.

BY MR. GARRY:

Q In the period of time that you knew him, and the two or three-week period of time he was in and around the Panther headquarters, did he demonstrate that he was in charge of the entire affair, or was he taking orders from anyone? Referring to the time you saw him.

A He often said --

MR. MARKLE: Object.

THE COURT: Wait a minute.

What period of time are you talking about, before May?

MR. GARRY: Yes. During the period of time he was in the area of the New York Chapter.

THE COURT: Well, it hasn't been established, at least to my knowledge, whether we are talking about before the New Haven incident or some period of time after the New Haven incident, or which.

MR. GARRY: Before the New Haven incident.

THE COURT: Before the New Haven incident.

All right.

THE WITNESS: Yes. He often said that he was in charge, he was from National, and that he had come to straighten things out.

BY MR. GARRY:

Q And did he demonstrate that by virtue of his own conduct?

MR. MARKLE: I'm going to object to that, if the Court please.

THE COURT: It may be answered "Yes" or "No."

THE WITNESS: Yes.

BY MR. GARRY:

Q How did he demonstrate that?

A Well, he --

MR. MARKLE: Objection, your Honor.

BY MR. GARRY:

Q How did he demonstrate that, Mrs. Wolterding?

A He gave --

THE COURT: Wait a minute. Wait a minute. I'm still thinking.

I will overrule the objection.

MR. MARKLE: Exception, your Honor.

THE COURT: Exception may be noted.

THE WITNESS: He gave everyone orders and told them what to do, he pushed people around.

BY MR. GARRY:

Q And how did he do that?

MR. MARKLE: I'm going to object.

BY MR. GARRY:

Q What did he do -- did he apply any physical administration --

A He hit Alex once for having his hair braided.

Q He did what?

A He hit him in the office for wearing braids in his hair. When you have a natural, you usually braid your hair, and Alex had braided his hair the night before, and George walked into the office and saw him, and he mentioned something about him looking like a pickaninny, and for him to get the braids out of his hair, and he punched him.

Q Now, you knew Alex Rackley, did you not, Mrs. Wolterding?

A Yes, I knew Alex quite well.

Q And what kind of a person was Alex Rackley?

A He was unsophisticated, like a baby, a child, you know. He was very, very naive and very -- almost like a "eager puppy," you know?

Q Did anybody in the New York Chapter -- the Chapter that you were involved in -- ever thought or suspect or said, that Alex Rackley was an informer and/or a "pig"?

A No.

MR. MARKLE: I object to that, if the Court please. Well, she's answered.

THE COURT: It's been answered. I'll let it stand.

BY MR. GARRY:

Q After you saw Mr. Sams, when he returned from New Haven, did he tell you at any time that he thought that George -- that Alex Rackley was a "pig"?

MR. MARKLE: Your Honor, I'm going to object now, if the Court please. Your Honor has ruled on this --

THE COURT: I just --

MR. MARKLE: -- prior to this. He's trying to get back into the same conversation that your Honor ruled was excluded. When he returned to New Haven after --

THE COURT: No, I don't understand that.

MR. MARKLE: Well, can we fix the time?

THE COURT: This is a specific question as to whether or not -- I'll have it read back.

Read it, Mr. Reporter.

(The last question by Mr. Garry of the witness was read by the court reporter.)

MR. MARKLE: Can we fix the time when he told her this, your Honor?

THE COURT: After he returned from New Haven?

MR. MARKLE: In late May, which your Honor just excluded.

MR. GARRY: I didn't say anything about "late May," at all. I just said, "after he returned from New Haven."

THE COURT: Well, why don't you straighten it out? What time are we talking about, Mr. Garry?

BY MR. GARRY:

Q You saw Alex -- George Sams after he returned from New Haven, isn't that right?

A Yes.

Q And did he tell you at that time that he thought that Alex Rackley was a "pig"?

A Yes.

MR. MARKLE: Object now, if the Court please. We still haven't fixed the time.

THE COURT: Overruled.

MR. MARKLE: May I have an exception?

THE COURT: Exception noted.

A Yes, he did tell me that he thought he was an informant, and a "pig."

MR. GARRY: May I have that answer read?

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MR. GARRY:

Q How did the other Panthers during the period of time that Mr. Sams was around there, how did they relate to him?

MR. MARKLE: I'm going to object to that.

THE COURT: Sustained.

BY MR. GARRY:

Q I'm going to ask you the question, were you afraid of George Sams?

MR. MARKLE: Objection, your Honor.

THE COURT: No, I'll let it stand.

THE WITNESS: You mean, answer it?

THE COURT: Yes.

A Yes, I was afraid of George Sams.

Q Why?

A He had threatened my life twice.

Q Do you know whether other Panthers were afraid of

him?

MR. MARKLE: I'm going to object to that, if
the Court please.

THE COURT: I'll sustain the objection.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

(Page 2647 follows; no omission.)

BY MR. GARRY:

Q Mrs. Wolterding, were you able to observe during the period of time that you saw this man, as to his rationality mentally?

A He had no rationality --

MR. MARKLE: Object, if the Court please.

THE COURT: Sustained.

MR. GARRY: Exception.

THE COURT: Don't answer it. Exception may be noted.

MR. GARRY: No further questions.

THE COURT: Mr. Markle? Or Miss Roraback?

Do you have questions? Go ahead.

MISS RORABACK: Yes, your Honor.

THE COURT: Go ahead.

CROSS-EXAMINATION BY MISS RORABACK:

Q Mrs. Wolterding, you stated earlier that the first time you met George Sams was somewhere on the street in front of the office in New York, isn't that right?

A Yes, that's correct.

Q And can you tell me what happened on that occasion?

A That was when he made me accompany him on Eighth Avenue, where he had taken the dope -- heroin, excuse me.

Q You said he made you accompany him; how did he do

that?

MR. MARKLE: I'm going to object to this. We have been through it once. It's no part of the direct, your Honor. It was stricken, your Honor, and it's no part of his direct. So, where do we go from there? How can she cross on something that's not part of the direct?

THE COURT: That was stricken, wasn't it?

MISS RORABACK: Can I ask her questions as my witness?

THE COURT: You can make her your witness. You're making her your witness?

MISS RORABACK: Yes.

THE COURT: Go ahead.

S H I R L E Y

W O L T E R D I N G,

of 501 West 121st Street, New York City,

having been called as a witness by the defendant

Huggins, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

THE COURT: Now, what's the question? Read it, Mr. Reporter.

(The court reporter complied.)

A First of all, I'm sorry, he asked me to accompany him to Eighth Avenue, where he had lived as a child. He said, somewhere in Manhattan. And when we arrived at Eighth Avenue he went into a dilapidated house. I, -- I think it was on 111th Street, or Something -- I'm not sure -- but it was --

MR. MARKLE: I'm going to object, your Honor, she has answered the question, how did he make her? He requested her to go.

BY MISS RORABACK:

Q What happened next?

MR. MARKLE: And I'm going to object to that, if the Court please.

THE COURT: I'll overrule the objection.

MR. MARKLE: Might I have an exception?

THE COURT: Exception noted.

You can answer it.

A Well, when we arrived there, there were some other people there. And George sent out for some heroin, and when the heroin came back by someone that he had sent, he asked me in front of the people, would I -- he said, "Here, take some." And I said, "No." He pulled me into another room, and he pulled out a knife and said that I was his "woman," and that I shouldn't embarrass him in front of his friends. And that I'd better go out and take some of the dope. He also wanted to appear to be a big shot, so I guess --

MR. MARKLE: I'm going to object.

THE COURT: What are you objecting to?

MR. MARKLE: "He always wanted to appear to be..."

THE COURT: All right.

MISS RORABACK: I won't claim it, your Honor.

MR. MARKLE: As a matter of fact, I'm objecting to the whole thing as being an act of misconduct, an alleged act of misconduct, and I ask that it be --

THE COURT: Why do you wait until it all goes in? You had about five different stops there during that speech.

MR. MARKLE: Your Honor will recall --

THE COURT: You wait until the jury hears the whole thing and then you expect me to tell them to put it out of their mind?

MR. MARKLE: No, I'll go into it, your Honor.

But if your Honor will recall my ruling was --
I mean, my request was that your Honor rule on it
at the beginning and you overruled me.

THE COURT: No.

MR. MARKLE: All right, fine.

THE COURT: On your objection now, I'll sustain the objection.

I direct that the jury do the best that they can to put all of that conversation out of their minds. It doesn't belong in here. It's not pertinent to this case at all.

MISS RORABACK: How much of this is being excluded, your Honor, may I ask?

THE COURT: When we get to the point about the "heroin," and from that point on.

MISS RORABACK: If your Honor please, I claim it's very relevant that he pulled a knife and threatened this woman.

THE COURT: I sustained the objection, and I have asked -- directed the jury that that part of the testimony is stricken. I direct the jury to put that part of the testimony here out of their mind and forget about it.

And, let me explain to you, ladies and gentlemen: The testimony concerning somebody's credibility, or somebody's veracity, that's, of course, admissible. But to make somebody out as being a "bad fellow," generally is not admissible. It has nothing to do with his reputation or his capacity for telling the truth. It has nothing to do with veracity or credibility.

That is why there are these various rulings here. If something is pertinent to Mr. Sams' veracity and credibility, of course it will come in here, but if it's just testimony that indicates

he might have been a "bad fellow," or done a lot of nasty things that have nothing to do with this case, that does not come in because it would be prejudicial.

MISS RORABACK: If your Honor please, just for the record may I note that I would claim that it's admissible to show Mr. Sams' propensity for violence and toward intimidation, which I think are traits in issue, and thus within the rule of Gelinas and other cases.

THE COURT: No, I sustain the objection.

An exception may be noted.

MR. GARRY: For both of us?

THE COURT: Both of you.

MISS RORABACK: No more questions.

THE COURT: Mr. Markle?

CROSS-EXAMINATION BY MR. MARKLE:

Q Isn't it a fact that you told at the McLucas trial -- you reviewed your testimony yesterday?

A Yes, I did.

Q You read it over?

A Yes.

Q Right?

A Briefly, yes.

Q Pardon?

A I said "briefly, yes."

MR. GARRY: I have no objection to the whole testimony going in as evidence, your Honor.

THE COURT: He hasn't offered it, Mr. Garry.

MR. GARRY: Oh.

BY MR. MARKLE:

Q And in reviewing the testimony, didn't you tell us at the McLucas trial that you were forced to accompany Mr. Sams to a house after he had returned in late May of 1969 to New York?

A That's true.

Q So, what you just related to Mr. Garry is not true, that the first time you met him you had to go to this house with him?

A No. I believe you have the incidents mixed up. The first time I saw him was on Eighth Avenue, in the daytime, in front of the Black Panther office. And the time that you are speaking of, from my testimony, is when he came back from New Haven and told me he had killed Alex.

(Page 2655 follows; no omission.)

Q Didn't you say, and isn't it a fact, that when you were asked, "I call your attention to the end of May of 1969, did you have occasion to meet George Sams," you had replied, "Yes"?

A Yes.

Q And I have reference to Page 1641.

A I don't have it in front of me.

Q Well, I'll put it in front of you. (Handing to the witness.)

THE WITNESS: Excuse me, sir, perhaps if, perhaps if you read the answer back, I would then understand what he's talking about.

BY MR. MARKLE:

Q You don't understand the question?

A No, I don't.

Q All right. Then I'll rephrase it with the Court's permission. I would direct your attention to Page 1641, and see if that refreshes your recollection.

THE COURT: As to what, Mr. Markle?

MR. MARKLE: As to whether or not at the time she told Mr. Michael Koskoff that she, at the end of May of 1969, had met George Sams, he had just returned from New Haven, and that he forced her to accompany him to a house.

THE WITNESS: That's correct.

BY MR. MARKLE:

Q That's correct?

A When he returned from New Haven. When I first saw Mr. Sams, he had just come from California.

Q So, then, your testimony at the McLucas trial was, at the end of May you were forced to accompany him to a house, is that not correct?

A He insisted that I accompany him back to the 166th Street apartment.

Q Wasn't it -- isn't it a fact that you testified at the McLucas trial, that at the end of May of 1969, Mr. Sams forced you to go to a house?

A That's just what I answered you, Mr. Markle. Not a house --

THE COURT: Wait a minute, there's no question pending.

BY MR. MARKLE:

Q And isn't it a fact that you said that you had met Sams around seven or eight times?

A I said, "Approximately seven or eight times," that I had met with him.

Q I direct your attention to Page 1646 and ask you if you said "Approximately," or whether or not it refreshes your recollection that you said you met him "Around seven or

eight times"?

THE WITNESS: Should I turn to that page?

THE COURT: Yes, you can look at that page.

THE WITNESS: What page was it again?

THE COURT: The page, Mr. Markle?

MR. MARKLE: 1646, your Honor.

THE WITNESS: Yes?

BY MR. MARKLE:

Q Seven or eight times, did you tell us at that time that you had met him seven or eight times?

MISS RORABACK: The phrase, your Honor, is "Around seven or eight times."

MR. MARKLE: That's what I said.

BY MR. MARKLE:

Q Around seven or eight times, isn't that what you said?

A Around, approximately.

Q That is true?

A If you are trying to specifically --

THE COURT: No, no. The question is: "That is true?"

THE WITNESS: But he's not making his question clear.

THE COURT: No, wait a minute.

Read the last question, read the last two questions and answers.

(Whereupon, the record was read, commencing with the question, "And isn't it a fact that you said that you had met Sams around seven or eight times," until the Court's request that the record be read.)

THE COURT: Do you understand what Mr. Markle wants?

THE WITNESS: He's confused, and I can't --

THE COURT: All right. Mr. Markle, rephrase your question.

BY MR. MARKLE:

Q How many times had you seen Mr. Sams in New York?

A Approximately, around New York seven or eight times.

Q And what was his address in New York?

A He had no specific address that I can remember.

Although he did come and sleep at the Panther House -- I don't remember the address -- but 166th Street in the Bronx.

Q All right. And the first time -- question withdrawn.

Whose house was that?

A It was a sister's name Marie; I don't know her last name.

Q And how long did you stay at that house?

A Myself?

Q Yes.

A My four children and I lived there, I would, I think up until July of 1969.

Q From, when did you first start living there?

A I really can't recall.

Q Well, would it be the beginning of 1969, January?

A No. I think it was after the New York 21 had been busted.

Q After April of 1961 -- I'm sorry, April of 1969?

A I would venture to say it might have been March or April.

Q And from April to July, is that right?

A July of '69.

Q Of '69, you lived there at that apartment?

A I wouldn't perjure myself by saying "Absolutely."

Q Well, could I establish, where did you live during that period of time?

A I'm saying at the 166th Street address. But I really can't recall. So much was happening at that time. I would venture to say between March, March and July of '69, I lived at that address.

Q And what was that address again?

A It was on 166th Street, between Sherman and Sheridan.

Q What's the exact number?

A I don't recall.

Q You don't recall the exact number?

A No.

Q You don't recall the last name of the person who owned the apartment?

A If you wait one minute, I'll try and remember.

Q Fine.

A Mr. Markle?

Q Yes.

A I believe it was, I would venture to say it was in the 200 block.

BY MR. MARKLE:

Q But you can't give me the address?

A No, I can't.

Q Nor the person's last name?

A Who owned the apartment?

Q Yes.

A As I mentioned before, George Sams used to talk about people having African names --

Q But --

A I am trying to answer your question, sir.

THE COURT: It's a very simple question.

Read it, Mr. Reporter.

(The previous question by Mr. Markle was read by the court reporter.)

THE WITNESS: It was the 200 block of West 166th Street in the Bronx.

BY MR. MARKLE:

Q But you don't know the last name of the person whose apartment it was?

A I believe it was Sauls.

Q Are you sure that it was in April, 1969, that you first met George Sams?

A Excuse me?

Q Are you sure that it was in April of 1969 that you first met George Sams?

A No, I'm not sure. I would venture to say April or May.

Q Could it have been in and about May 12th of 1969?

A That has no specific meaning for me.

Q Let me ask you this: Do you recall Katherine Cleaver coming to New York to do a TV program?

A I remember that Mrs. Cleaver was in New York.

Q And that was around May of 1969?

A I don't know.

Q You don't know. And do you recall him being -- Mr. Sams being with one Landon Williams?

A No. I had seen a gathering of people with Landon, George, myself and countless of others at the office.

Q Now, didn't there come a time in May of 1969 when Landon Williams conducted a P. E. class?

A At the office?

Q At the office.

A He might have.

Q And you attended it?

A I really couldn't say.

Q And isn't it a fact that he told you he was from the West Coast?

A I didn't say any of that, Mr. Markle.

Q I am asking you whether you recall this or not?

A If I don't recall if I was there, I wouldn't know what he said.

Q You don't recall ever attending a class conducted by Mr. Landon Williams?

A I thought you mentioned a specific date.

Q I asked you, do you recall attending a class conducted by Mr. Landon Williams.

A I remember Mr. Landon giving us P. E. classes, yes.

Q Do you recall him telling you that you would discontinue using African names at that P. E. class because of the difficulty in securing bond?

A Yes, it does strike a note in my memory.

Q Do you recall a brother by the name of Roscoe Lee living there?

A Yes, I knew Roscoe quite well.

Q Do you remember Roscoe Lee coming to that meeting late?

A No, I don't.

Q Do you remember Roscoe Lee taking discipline?

A Excuse me. I said I knew Roscoe quite well. I knew a brother named Roscoe, but last names we never got to. Can you give me a description of him so I can see if it's the same one?

Q You were in the Chapter, right?

A Yes.

Q Did you know a Roscoe Lee in that Chapter?

A I knew a Roscoe.

Q Do you remember him being given discipline?

A We all were given discipline for so many things.

We were in the embryonic stages of growing.

MR. GARRY: May I have the answer read.

THE COURT: The answer may be read.

(The last answer of the witness was read by
the court reporter.)

BY MR. MARKLE:

Q Incidentally, during that period of time, what name
were you using?

A The same name I am using now, Shirley.

Q And that's the only name?

A Shirley Wolterding. That's my legal name.

Q As far as the Panthers were concerned, you were
known as what?

A They knew me as Shirley Wolterding.

Q They did?

A Yes.

Q And at that time and at that place, how many P. E.
classes did you attend that were conducted by Landon
Williams?

MISS RORABACK: May I ask what time we are

referring to?

THE COURT: Want to nail it down?

BY MR. MARKLE:

Q During April and May of 1969.

A I couldn't venture to give you an approximate answer. It was the order that we were trying to learn as much as we could about the political situation, so we received political education classes on the average of, say, three times a week.

Q And was there a period of time when Landon Williams came on the scene and conducted those political education classes?

A I have answered yes to that once.

Q And who was Landon Williams as known to you today?

A He was a very nice person.

Q And what position did he hold?

A I don't know.

Q You never knew that?

A We didn't relate to rank, that we went around asking everybody what's your rank; that's a bit militaristic.

Q Didn't he come in and tell you where he had come from?

A Yes, he said he was from California.

Q And what did he tell you his purpose was on the East Coast?

A To help with papers.

Q To help with the papers?

A Distribution of the papers.

Q And that's what he told you?

A Yes. Well --

Q He also told you that you were not to use African names because of bail?

A I said that did strike a note in my memory. I did not ascertain your question completely.

Q Do you recall him saying that there was a time that you had to gather in near to the Harlem Chapter and move into that area so you could not be infiltrated?

A Please repeat that.

THE COURT: It may be read.

(The last question by Mr. Markle was read by the court reporter.)

A Gather and near?

Q Live near to the Harlem Chapter.

A No, we were just setting up collectives at that time.

Q What are collectives?

A Collectives are where everyone lives together and shares and teaches the children and educates one another.

Q Why were you moving into collectives at the time?

A Because it was cheaper to live together as a whole than as an individual.

Q And there was no discussion of infiltration?

MR. GARRY: She was not finished.

THE COURT: Are you finished?

THE WITNESS: No.

BY MR. MARKLE:

Q I'm sorry.

A We found out that being that we were ostracized from society, that it would be cheaper for us to live together.

Q And was there any discussion of the infiltration of the Panther Party in New York?

A We had often talked about knowing that there were people that were trying to infiltrate the party for reasons that were quite clear to all of us, but to specifically say that there were infiltrators or there was an infiltration going on at the time, I could not because everyone that I met, I thoughtm was very nice.

Q And isn't it a fact that Landon Williams lived at that same address and you met him at 166th Street house?

A Him and about 50 other people, constantly coming in. You see, there weren't many places that we could live. I think I mentioned that before. People used to come and bathe and change --

THE COURT: Could we get down to an answer to his question.

THE WITNESS: Am I answering it, your Honor?

THE COURT: The question is, did Landon Williams live at that 166th Street address?

THE WITNESS: I was sworn in to tell the whole truth, and if I tell the partial truth, that might prejudice someone else.

THE COURT: You can answer that question very simply, Madam.

THE WITNESS: I cannot, your Honor.

I'm sorry, would you repeat it?

THE COURT: It may be read.

(The last question by Mr. Markle was read by the court reporter.)

A Isn't that a leading question? You say isn't that a fact that he lived --

Q It's very leading but I'd like an answer.

THE COURT: Can you answer, Madam?

THE WITNESS: I can't answer it yes or no.

THE COURT: You don't know whether Landon Williams lived there or not?

THE WITNESS: I can say that he bathed and changed there, you know.

THE COURT: All right.

BY MR. MARKLE:

Q And did you at that time know who he was and where he was from?

A I knew him as Landon Williams from California.

Q And in point of fact, wasn't there a time when

George Sams was disciplined because he had been disrespectful to Chairman Brothers?

A I don't know of anything of that incident. Is that true?

Q You don't know anything about it?

A No.

Q Did you discuss it with anybody?

A Did I discuss it?

Q Yes.

A I don't know anything about it.

Q Did you hear that Landon Williams had ordered him disciplined?

A No.

Q Did you ever discuss Mr. Sams with Mr. Landon Williams, who was from California?

A No.

Q Your answer is no?

A No.

Q Who was in charge of that chapter? Who was, for instance, chairman of the New York Chapter at that time, in May of 1969?

A I don't recall if Chairman Brothers was still chairman.

Q You don't recall that?

A No. There was some discrepancies about the distri-

bution of the papers and that Chairman Brothers was handling the distribution very poorly. That's why Landon had come out.

Q In other words -- I'm sorry, you hadn't finished?

A No. And I don't recall whether or not he was still chairman or not.

Q So, in other words, he was suspect at that time, about the handling of the papers?

MR. GARRY: I will object to this.

THE COURT: Cross-examination, Mr. Garry.

MR. GARRY: Suspect of what? I don't understand the question.

A He was suspected of not knowing how to properly distribute papers, distribute papers throughout the communities.

Q And this was common knowledge around the Party?

A No, it was common discussion at that particular time. No one had made up their minds because we didn't have all of the facts.

Q And when there was discipline given at the Panther headquarters -- did you observe any discipline given out?

A Yes.

Q By whom?

A By the officer of the day.

Q And who was that?

A I think it was Henry Mitchell.

Q Henry?

A Mitchell.

Q Was he known as Mitch?

A Yes.

Q And what type of discipline did he give out?

A You had to run around the block.

Q And what else?

A Do push-ups, and we have to stand in front of the Party office and yell that you love the people and that you are going to serve them.

Q And what else?

A After running around the block -- oh, yes, getting up early in the morning to go to the breakfast program to feed children.

Q And what else?

A Let me see. Sweeping the sidewalks and sweeping in front of people's doors early in the morning, cleaning the office at night, mopping the floors, putting the garbage out.

Q And you never saw anybody moved on physically?

A No.

Q Never?

A If it was that serious, you would receive what is known as a working suspension.

end tk.

(Page 2674 follows; no omission.)

Q And your testimony is you have never seen anybody moved on physically?

A I was in -- other than Alex Rackley.

Q Alex Rackley was moved on in your presence by George Sams?

A Yes. George punched him.

Q And who else was present at that time?

A I think it was an office full of people.

Q An office full of people?

A Yes.

Q Anybody protest?

A No one protested it.

Q Was that because Sams was recognized as being from National?

A More like being crazy.

Q More like being crazy?

A Yes.

Q In other words, nobody protested, but -- did everybody leave after that discipline?

A That wasn't discipline. That was not discipline. He punched him because he had braids in his hair, and I don't know if everyone left. As I mentioned before, we were in the embryonic stages of growing and made a lot of mistakes.

Q What has the embryonic stage got to do with whether

or not people left after they had seen Rackley hit?

A No -- the embryonic stages was there, there were new people in the Party, and it's almost like when you arrive in the big city and there are so many things doing, you're not quite sure, and you just stand around gaping. At that particular time, I was very new to the Harlem branch. Other people had just come into the Party, and we really weren't quite sure of what we were doing. We were very poor Party members, I would say.

Q You were poor Party members?

A I would say, because as I noticed the Party growing and strengthening, I see now that there is a call to criticize and investigate things that are going on in the Party, which we didn't do at that time.

Q All right. Let me ask you this: Did you see Rory and -- did you see Rory Hithe in New York in this period of time?

A I met Rory Hithe --

Q Did he say who he was and what he was?

A He was Rory Hithe from California.

Q From California?

A Yes. He had come --

Q What was his purpose in being in New York?

A I thought it was to help Landon with the distribution

of papers. I saw them together.

Q And did you not see Sams with them also?

A Only once, when there was a whole lot of people -- I wouldn't say once, but I have never seen a trio, let me put it that way.

Q And is it your testimony that -- did Rory Hithe tell you why he had come East?

A No, he did not. He spoke of other things.

Q He spoke of other things?

A Yes.

MR. MARKLE: Will your Honor just bear with me one minute?

THE COURT: Surely.

BY MR. MARKLE:

Q And wasn't it your testimony in the McLucas trial that when you first met Sams he was walking around, going behind a partition in the Panther headquarters?

A Yes.

Q So you didn't first meet him on the street, did you; you met him coming from behind a partition?

A No. You are confusing the issue. I said I met him in front of the office, he was walking around and, if I recall correctly, I mentioned about him going behind the partition in the office. There is no conflict there.

Q Can I direct your attention to Pages 1650 and 1651. See if that refreshes your recollection.

A Yes.

Q And isn't it a fact that you said the first time you saw Mr. Sams was in the office?

MR. GARRY: Just a minute.

Now, he is reading from a document not in evidence. If he wants to put it in evidence, --

THE COURT: Are you reading?

MR. GARRY: -- I have no objection to reading it and putting the whole document in evidence.

THE COURT: Wait a minute.

Are you reading, Mr. Markle?

MR. MARKLE: No, sir. I am asking her if that isn't what she said, that she saw him in that office.

MR. GARRY: He's got the page there.

MR. MARKLE: Naturally, I got the page.

MR. GARRY: He is referring to the page and reading precisely what the document says.

THE COURT: Wait a minute.

You want the young lady to read the particular page?

MR. MARKLE: Right.

THE WITNESS: Yes.

THE COURT: Now, your next question should be,

"Does that refresh your recollection."

BY MR. MARKLE:

Q Does that refresh your recollection?

A Yes, it does.

Q What did you say? Where did you first see Mr. Sams?

A In front of the office, walking around and in back of the partition.

Q In front of it. You mean the front part of the office?

A No. I meant outside of the office. He was walking around. He was very mobile. He walked around. He went into the office, he went in back of the partition, he walked around, and he came back outside.

Q Isn't it a fact that that's the first time you saw him, he was in the office walking around?

MR. GARRY: Just a minute, if your Honor please.

THE COURT: Sustained.

MR. MARKLE: I claim it, your Honor.

MR. GARRY: I have no objection to putting the whole document in, if he wants to do it.

MR. MARKLE: We heard that.

THE COURT: You offer it?

MR. MARKLE: The whole document?

MR. GARRY: Yes.

THE COURT: You offer it?

MR. MARKLE: No, I won't, because there is irrelevant material in there.

If I can exclude it, like your Honor ruled before, then we will put it in.

THE COURT: Sustained.

BY MR. MARKLE:

Q Did there come a time when Alex Rackley -- well, you told us there was a time when Alex Rackley was hit for wearing braids in his hair. Who was present at that time?

A You're being redundant. I told you several times, Mr. Markle, there were a lot of people. I cannot specifically say who was there.

Q Landon Williams, was he present?

A I don't recall him being there. This is 1971, that was '69.

Q Was Chairman Brothers there?

A No, I don't recall him.

Q Was Zayd there -- Shakur?

A No.

Q So nobody was there, that you can recall?

A No. Other than the children. The children.

Q There were children there?

A Yes, I believe so.

Q Did you hear -- did you come to hear that Mr. Rackley had been taken to New Haven?

A No. I met Mr. Rackley in front of the office, and he told me that he was going to New Haven.

Q He did. When did he tell you that?

A The date?

Q Yes.

A I don't recall.

Q And did you tell your counsel that?

A My counsel?

Q The lawyers. Did you tell the lawyers that?

A Did I mention that to you?

I don't think so.

Q All right.

THE COURT: You can't ask a question.

BY MR. MARKLE:

Q Is it "Yes" or "No"?

A I don't remember telling him that.

Q And did you find out who he went to New Haven with?

A No. I was going into the office. I think that's in here, too. (Indicating)

Q Did you find out afterwards who he went to New Haven with?

A No.

Q And even after you found out that he had been killed, you never found out who he had gone to New Haven with, is that your testimony?

A Well, when Sams came back, he told me he had killed him, so I would assume he had accompanied Sams to New Haven. This is --

Q But you don't know who he went with?

A No.

Q You never made inquiry?

A No.

Q And this man, this Mr. Rackley, was, I think you described him, like a puppy dog, right?

A Rackley?

Q Yes.

A I said that he was an unsophisticated person.

Q Right. Kindly?

A He was --

Q He was kind?

A He was kind, naive, --

Q You might say very naive, right?

A I would say he was very unsophisticated to the conditions of society and the world.

Q Uneducated?

A He was uneducated, yes.

Q Humble?

A Eager is more like it.

Q Eager to please?

A Eager to serve.

Q Eager to serve?

A Yes.

Q And this came on very obvious, didn't it, when you

saw Mr. Rackley?

A No. It was just his natural character. It was just him.

Q I mean, this would become very apparent to anybody who spent any time with him?

A You're talking about Alex Rackley?

Q Yes.

A Yes.

Q And so this didn't take much education to see that Mr. Rackley was eager to please and was curious and was kindly and all of that?

A I didn't say "curious," you did.

MR. GARRY: Just a minute.

MR. MARKLE: I will strike "curious."

THE COURT: Yes, Mr. Garry.

MR. GARRY: I am going to object to that type of question unless we are permitted also to go into it.

If we make her an expert, I don't mind it.

THE COURT: He is just asking for her own observation concerning that.

MR. GARRY: No.

The question, your Honor, I think is a little bit different.

May we have the question?

THE COURT: Read it, Mr. Reporter.

(The last question by Mr. Markle of the witness was read by the Court Reporter.)

MR. GARRY: I'm going to object to the question as to how much education it takes to know whether a person is this or that, unless we qualify her as an expert.

I am willing to qualify her as an expert.

THE COURT: No. No.

MR. GARRY: I would be willing to stipulate her as an expert.

THE COURT: Overrule the objection.

You're talking about an ordinary citizen knowing somebody.

Go ahead.

MR. GARRY: She got an answer in there already.

THE COURT: Is there an answer there?

(The last question by Mr. Markle of the witness, and the answer of the witness, were read by the court reporter.)

THE COURT: Then Mr. Markle said he would strike the word "curious."

MR. MARKLE: I think I said I will strike the

word "curious."

BY MR. MARKLE:

Q Describe to me Mr. Rackley.

THE COURT: Why don't you rephrase the question and let's get off the ground here.

BY MR. MARKLE:

Q Why don't you tell me -- Mr. Rackley was uneducated?

MR. GARRY: It's been asked and answered.

THE COURT: She answered that, Mr. Markle.

BY MR. MARKLE:

Q When he came up here, when he told you he was coming up to New Haven, can you describe to me how he was dressed?

A No, I could not.

Q Can you tell me who he said he was coming up here to New Haven with?

A He didn't tell me he was coming to New Haven with anyone.

Q Can you tell me when he told you that?

A No.

MR. GARRY: It's been asked and answered.

THE COURT: She said, "No."

Let it stand.

MR. MARKLE: I have no further questions, your

Honor.

THE COURT: Mr. Garry.

(Page 2687 follows - no omission)

REDIRECT EXAMINATION BY MR. GARRY:

Q You made --

THE COURT: Wait a minute.

Are you going to be long?

MR. GARRY: No.

THE COURT: All right.

BY MR. GARRY:

Q You made the statement, Mrs. Wolterding, that Alex Rackley was moved on by Sams, and that's the only physical violence you saw on anybody, is that right?

A In the office.

Q And you said that Sams was more like being crazy. What did you mean by that?

A That was the attitude that he displayed to everyone around him. It doesn't take an expert to know when you see someone crazy. You don't have to babble.

MR. GARRY: I have no further questions.

THE COURT: Do you have any, Miss Roraback?

MISS RORABACK: Yes, your Honor.

RECROSS-EXAMINATION BY MISS RORABACK:

Q Mrs. Wolterding, when Mr. Rackley told you that he was going to New Haven, where was that?

A In front of the Seventh Avenue office.

Q That's the Panther office?

A Yes.

Q And you remember how he told you?

A He ran up and he smiled and he said that he was going to New Haven, and I said, "See you when you get back."

Q That was the last time you saw him?

A The last time I saw him.

MISS RORABACK: I have no other questions.

THE COURT: Mr. Markle, anything further?

MR. MARKLE: Just a few, your Honor.

I will be very brief.

RE-CROSS-EXAMINATION BY MR. MARKLE:

Q When you say that he ran up to you, who else was present in the office at that time?

A I was outside of the office. I had come to the office to get some papers and take them to sell.

Q Can you tell me who was in the office?

A The O.D.

Q Who was that?

A I would imagine it was Henry Mitchell at that time. He was the Officer of the Day.

Q Did you see Landon Williams there?

A No.

Q Did you see Rory Hithe there?

A No.

Q Did you see Brothers -- David Brothers there?

A Is that Chairman Brothers?

Q Chairman Brothers.

A No.

Q Did you see Zayd there?

A No.

Q So the only person you saw there was the O.D. and Alex Rackley?

A Yes. It was afternoon paper selling time.

Q Now, you also said that it was obvious to anyone that Sams was crazy. Is that what you said to Mr. Garry?

A That's correct.

Q All right. And all of that time, he was allowed to remain on Panther property, move with Panthers, is that not correct?

A Yes, that's correct.

Q He stayed at the apartment where you stayed?

A Yes.

Q He stayed at the headquarters, he came to headquarters and he was free to come and go, travel around, is that not right, with Panthers at all times?

A Mr. Markle, you don't have to --

THE COURT: No. No.

Just answer the question, Madam, please.

We will get along a lot better.

BY MR. MARKLE:

Q Isn't that true?

A Would you repeat yourself?

THE COURT: It may be read.

(The last question by Mr. Markle of the witness was read by the court reporter.)

THE WITNESS: Oh, that's not correct, no.

BY MR. MARKLE:

Q No?

A No.

Q You mean he went around occasionally on his own?

A Yes. And I find your question very leading. Again, I don't understand it.

Q Isn't it a fact --

THE COURT: Don't you worry whether or not it is leading or not, Madam. You just answer it.

BY MR. MARKLE:

Q Isn't it a fact that he stayed at that apartment with you?

A At 166th Street?

Q Yes.

A Is that the apartment you are talking about?

Q That's the apartment I am talking about.

A Yes.

Q And that was the Panther's --

A That was the Panther's crib.

Q Crib?

A Yes. Apartment.

Q Isn't it a fact he was allowed to go behind the partition at headquarters?

A Yes, he was allowed behind the partition.

Q And the only persons who went behind the partition was Panthers?

A That's correct.

Q Isn't it a fact that in all of these times that you would see him, he was accompanied by someone who was a Panther?

A No.

Q No?

A No.

Q Most of the time?

A Do you want me to just rattle something off?

Q I just want you to tell me did you see him most of the time with Panthers with him?

A It's very hard to say. If you are in Quakertown,

you say you are with Quakers all the time.

Q Well, all right. Now, is it your answer that he was not with Panthers, that he was with other people, when you saw him?

A He would be out on the street, too. Yes, that's how people in the community got to know how crazy he was.

Q And he was doing Panther functions, wasn't he?

A When you say "Panther functions," what do you mean?

Q He was carrying on Panther duties, wasn't he?

A Such as?

Q I don't know, I'm asking you, you were there.

A I saw him talk to some of the people in the community.

Q About Panthers?

A What?

MR. GARRY: If your Honor please, she is trying to answer, and he keeps interrupting.

I think she ought to be able to have a chance to answer the question.

THE COURT: Relax, Mr. Garry, she's doing all right.

Go ahead.

BY MR. MARKLE:

Q About the Panthers?

A No. About our service programs.

Q That was Panthers, wasn't it?

A (No response.)

Q About the service programs, the Panther service programs?

A But that's not what you said. Panthers are not service programs --

Q All right.

A Per se.

Q Was he talking -- when he conducted the PE class up at the house on 166th Street, was he not talking about the PE class relating to Panther activities?

A No.

Q No?

A No.

Q And all those Panthers were there, they listened to the PE class --

A We were talking about the Red Book.

Q Red Book?

A Yes.

Q And that has nothing to do with Panthers?

A Mr. Markle, am I permitted to answer you?

Q You can answer me "Yes" or "No."

THE COURT: Answer it.

(Page 2694 follows; no omission.)

BY MR. MARKLE:

Q Does that have anything to do with the Panthers?

A We were reading, trying to learn about objective conditions that existed in society at that particular time.

Q And isn't one of the books that's required reading in the Panther Party the Red Book?

A It's not required. They don't have a book list, that I know of.

Q It's not recommended reading?

A Recommended?

Q Don't you carry the Red Book?

A Yes, at that time. I don't carry it now.

Q Didn't Panthers at that time carry Red Books?

A Yes.

Q And that's the same book we are talking about, is that right?

A I'm talking about the Red Book, yes.

Q And when you say that the only time you saw anybody disciplined in the office -- did you see other people moved on who were Panthers, not in the office?

A Other people moved on that were not Panthers?

Q Disciplined, yes, not in the office.

A Oh, no.

Q Never?

A No.

MR. MARKLE: Okay, I have no further questions.

REDIRECT EXAMINATION BY MR. GARRY:

Q Mrs. Wolterding, when you used the term "leading question," you're not talking about from a legal standpoint, but you're talking about from the standpoint of being unable to answer the question?

MR. MARKLE: I'm going to object to that, if the Court please.

THE COURT: Sustained.

BY MR. GARRY:

Q What did you mean when you said, "Mr. Markle, that's a leading question"; what did you mean?

THE COURT: Mr. Garry, who cares?

MR. MARKLE: Objection.

THE COURT: Who cares?

What difference does it make?

MR. GARRY: I guess it doesn't really make any.

THE COURT: Let's get on with this.

MR. GARRY: I have no further questions.

THE COURT: Anything further, Miss Roraback?

MISS RORABACK: I think not.

Thank you, your Honor.

THE COURT: You may step down.

(The witness was excused.)

THE COURT: We will have our morning recess.

MR. GARRY: May we approach the Bench, your Honor?

THE COURT: Surely.

(Discussion off the record between counsel and the Court.)

THE COURT: Okay. All right.

Well, let's take our morning -- no, wait a minute.

Bring in the jury for a moment, Sheriff.

(The jury entered the courtroom at 11:40 A. M.)

THE COURT: I'm sorry to break in on you, ladies and gentlemen, but I thought I should tell you now I am going to have to recess until 2:00 o'clock. Counsel have some people coming in from out of State, and they have to have a chance to talk with them when they get here.

So, your coffee will be brought in to you, and relax, and I will tell the Sheriff to go in and check with you so that you can go out and have

a leisurely lunch and be back at 2:00 o'clock.
It will be 2:00 o'clock before we start again.

So, you are excused now.

(The jury was excused at 11:40 A. M.)

THE COURT: All right, we will prepare to
recess until 2:00 o'clock.

Recess until 2:00 o'clock.

(The court recessed at 11:41 A. M.)

AFTERNOON SESSION

(The court reconvened at 2:00 P.M.)

THE COURT: All set, counsel?

MISS RORABACK: Yes, your Honor.

MR. MARKLE: Yes, your Honor.

THE COURT: Call the jury.

(The jury entered the courtroom at 2:03 P.M.)

THE COURT: All right, ladies and gentlemen.

Miss Roraback?

MISS RORABACK: Mrs. Huggins.

~~Ziggy Shaker,~~

~~(father)~~
~~Peggie~~

Eliz Higgins

Mum - la

Zoo Osborne

new viche autumn 1967

Last summer Nov '67, before
Jan '68

his egg report

(M R S.) E L I Z A B E T H

H U G G I N S,

of 200 Osborne Avenue, New Haven, Connecticut,
having been called as a witness by the defendant
Huggins, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Mrs. Huggins, what's your relationship to Mrs.
Ericka Huggins?

A I'm Ericka's mother-in-law.

Q And can you tell me approximately when you first
met her?

A In the autumn of 1967.

Q And where was that that you met her?

A At my home.

Q What?

A At my home.

Q And did you see her again that fall?

A Yes, I did.

Q How many times?

A About three or four times, altogether.

Q Was that at your home, and other places?

A It was at my home, and in New York City.

Q And in New York City?

A New York City.

Q Mrs. Huggins, directing your attention to 1969, at a time when Ericka Huggins came to New Haven --

A Do you mean 1967?

Q 1969.

A Oh, 1969?

Q Yes.

A Yes.

Q Had you seen her at any point between that time, that fall of 1967 and in 1969?

A No. Between November, 1967, and January, 1969, I didn't see her.

Q And as best you can, can you tell me just when she came to New Haven?

A In 1969?

Q Yes.

A The 23rd of January, 1969.

Q And what had occurred, Mrs. Huggins?

A Between November, 1967, when I had seen Ericka last, and January, 1969, when I saw her again, she had moved to California, had married my son, had a daughter, and had lost her husband.

Q And when she came back in January of 1969, was that to the funeral of your son?

A Yes, it was.

Q And, thereafter, where did she stay?

A She stayed with us.

Q I see. And she began to live with you here in New Haven?

A Yes; as of January 23rd.

Q And was the baby with her as well?

A Yes, she was.

Q Now, Mrs. Huggins, can you tell me what her condition -- shall we say -- her condition was after she came back in 1969?

A When she came back in 1969 she was very withdrawn, and quiet, and shy.

Q And was that a contrast to the way she had been previously?

A Yes, it was. I thought, in '67 when I first met her, she was a very friendly, open type of person.

Q And you say she was "withdrawn" and "shy."

Did she see people, or just not seem to see anyone?

A Not deliberately, no.

Q And did there come a time when she began to see more people?

A Yes, later in the year. The latter part of February, or early in March.

Q And what was the occasion for that, do you know?

A Well, she received a telephone call, asking her if she would be willing to teach a Political Education class in Bridgeport, Connecticut.

Q So she began to go out?

A Yes, she did.

Q And did she eventually move to another apartment in New Haven?

A Yes, she did, yes.

Q And that was towards the end of April, is that right?

A Yes, it was.

MISS BORABACK: I have no other questions.

THE COURT: Mr. Garry?

MR. GARRY: No questions.

THE COURT: Mr. Markle?

MR. MARKLE: Yes.

CROSS EXAMINATION BY MR. MARKLE:

Q Mrs. Huggins, did you see your daughter-in-law in February of 1969?

A Yes, I did.

Q And where was she living at that time?

A She was living with us.

Q I see. And when did she move out?

A Sometime in April of that year.

Q In April of 1969?

A Yes.

Q And at that time, where did she move to?

A I think to Hurlburt Street.

Q And did you see her then?

A Yes, I did.

Q And was she in the company of someone rather constantly at that time?

A I don't have any way of knowing.

Q And you don't know whether she was going with Mr. Kimbro or not at that time?

A No, I do not.

Q When you went over there was no one there?

A I only went there once.

Q Oh, I see. Just once?

A That's all.

Q And did you ever go to the Kimbro apartment?

A Yes.

Q And when did you go there?

A May 19th, 1969.

Q And that was to the Kimbro apartment --

A Yes.

Q -- or her apartment?

A Kimbro.

Q And whom did you see there?

A My granddaughter.

Q I see. That was on May 19th?

A Yes.

Q Was Mrs. Huggins there?

A No.

Q And did you take your granddaughter home with you,
too?

A No.

Q You just --

A Went.

Q What was going on there at that time?

A Nothing.

Q And where was your granddaughter then, May 19th?

A She was in the living room, with one of the Panthers.

Q And did you see anyone else there, Mrs. Huggins?

A No one that I knew.

Q And there were some people there?

A YEs, there were.

Q And you just went over there to see your grand-daughter?

A That's right.

MR. MARKLE: I have no further questions.

THE COURT: Miss Roraback?

MISS RORABACK: I have no other questions, your Honor.

THE COURT: Mr. Garry?

MR. GARRY: No.

THE COURT: You may step down.

(The witness was excused.)

C O Z E T T E

J E N K I N S ,

of 71 55th Street Southeast, Washington, D.C.,
having been called as a witness by the defendant
Huggins, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Mrs. Jenkins, how long have you lived in Washington?

A Oh, about three years, I guess.

Q Are you the mother of Mrs. Ericka Huggins?

A Yes, I am.

Q And did Ericka grow up in Washington, D.C.?

A Yes, she did. She was born in Freeman's Hospital
in Washington, D.C.

Q Did she attend school there, Mrs. Jenkins?

A Yes, she did.

Q What schools did she attend?

A She attended Richardson Elementary School, Kelly
Miller Junior High, and McKinley High School.

Q During that period of time, did she engage in any
activities around Washington?

A Yes, she did. She participated in the school
activities in elementary school and she was a Girl Scout and
in junior high school she was in the art club and she was an
editor of the school newspaper.

Q Did she do anything outside school?

A Oh, she was a member of the church.

Q Right.

A And she attended Sunday School and she was a member of the junior choir.

Q In the community itself, did she do any work with children at all?

A Yes, she did voluntary services with the church, and also in high school she volunteered her services to take the less fortunate kids to shop on Sundays at the different stores that were provided for them.

Q Now, after she finished high school, Mrs. Jenkins, did she go somewhere else to school?

A In the summer, before she went to school, she volunteered her service with the recreation department. I mean she wasn't paid, she volunteered her services.

Q Was that sort of a summer camp arrangement?

A It was a community -- in the community center.

Q That was with younger children?

A Yes.

Q And then she went away to school?

A Yes, she went to Chaney.

Q Where is that?

A In Pennsylvania.

Q Is that a teachers college?

A Chaney Teachers College. I think so.

Q And after she had been at Chaney, did she transfer to another school?

A She transferred the second year to Lincoln University.

Q Was that also in Pennsylvania?

A Yes.

THE COURT: I didn't hear the last answer.

Would you repeat it, Mr. Reporter?

(The last question by Miss Roraback and the answer of the witness were read by the court reporter.)

BY MISS RORABACK:

Q And did there come a time when she left Lincoln?

A Yes, she left Lincoln in her third year, in November of the third year.

Q And where did she go?

A She went to California.

Q And did you ever see her when she was in California, Mrs. Jenkins?

A No, I didn't.

MR. MARKLE: I'm sorry. I didn't get that answer.

May I have it read?

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q And Mrs. Huggins has already testified that she came back in January of 1969. Did you see her after that?

A January of '69, I saw her when she came back. When John was killed, she came back for the funeral. That was the first time I saw her.

THE COURT: Would you read that answer.

Try to keep your voice up, Mrs. Jenkins, please. The jurors can't hear you.

Would you read that answer.

(The answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q Was that the first time you saw your granddaughter?

A Yes.

Q How old was the baby at that time?

A Well, the baby was born December the 27th.

Q So it was about four weeks?

A Yes.

Q And I believe that she and Mrs. Huggins came down to visit you in February, is that correct?

A Yes.

Q Can you tell me, Mrs. Jenkins, how Ericka seemed to you when you saw her in January of '69?

A Well, she was sort of quiet.

Q Did she seem depressed at all?

A Well, she seemed to miss her husband. I guess she was trying to get over his death.

Q And after February, did you see her again before she was arrested?

A I don't believe I did.

MISS RORABACK: I have no other questions.

Thank you.

THE COURT: Mr. Garry.

Mr. Markle.

CROSS-EXAMINATION BY MR. MARKLE:

Q One question. From February until the time of the arrest, did she call you?

A I really don't remember.

MR. MARKLE: I have no further questions, your Honor.

THE COURT: Miss Roraback.

MISS RORABACK: No.

THE COURT: Mr. Garry.

You may step down.

(The witness was excused.)

MISS RORABACK: If your Honor please, my next witness was due here by this time.

Might we have just a couple of minutes?

THE COURT: Surely, take your time.

(Page 2712 follows; no omission.)

MISS RORABACK: Could we have a ten minute recess, your Honor?

THE COURT: The jury may be excused.

(The jury was excused at 2:21 P. M.)

THE COURT: Miss Roraback, ten minutes, did you say?

MISS RORABACK: Yes.

THE COURT: All right.

Would you get Mr. Garry in for a moment?

MR. GARRY: We are ready, your Honor.

THE COURT: You are ready?

MISS RORABACK: Now we are.

THE COURT: You are all set?

MISS RORABACK: Yes.

THE COURT: All right, call the jury.

(The jury entered the courtroom at 2:22 P. M.)

THE COURT: Has the witness arrived?

MISS RORABACK: Miss Brown, please.

(Miss) E L A I N E B R O W N,
of 1048 Peralta Street, Oakland, California,
having been called as a witness by the defendant
Huggins, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Miss Brown, you came in from California this morning?

A I did.

Q And are you acquainted with the defendant, Ericka Huggins?

A I am.

Q And when did you first meet her?

A Approximately March of 1968.

Q And where was that?

A In Los Angeles.

Q And how did you happen to meet her?

A I had come to the Black Panther Party office there to work with the Party, and there I met Mrs. Huggins. Ericka.

Q And --

THE COURT: Wait a minute.

Read it. The jury didn't hear it.

MISS RORABACK: I'm sorry, your Honor.

(The last question by Miss Roraback of the witness, and the answer of the witness, were read by the court reporter.)

BY MISS RORABACK:

Q And after that time, did you see her frequently?

A Yes. I would say I saw her almost every day up until her arrest in 1969.

Q Now, what sort of work was Mrs. Huggins doing at that time?

A When I first met her, she was working essentially like most of the other Party members, in addition to the fact that she held a job in a factory. I don't remember the type of factory. So she was dividing her time between working in a factory and working in the Party.

Q When you talk about the "Party," you are talking about the Black Panther Party?

A Yes, that's right.

Q Now, did there come a time when you began to live in the same house with Mr. and Mrs. Huggins and some others?

A Yes.

Q Approximately when was that?

A In September or maybe October of 1968.

Q And were you there -- is this in Los Angeles, too?

A Yes.

Q And did you and the Hugginses live in the same house until January of 1969?

A Yes, we did.

Q Now, directing your attention to January 17th of 1969, -- question withdrawn.

So you were living in the same house with them at the time Mrs. Huggins' baby was born?

A Yes. The baby was born in December of '68, and there were about eight of us who lived in the house together with John and Ericka.

Q And --

MR. GARRY: Miss Brown, I wonder if you could speak a little louder. We are having difficulty hearing you.

THE WITNESS: Yes.

BY MISS RORABACK:

Q Now, on January 17th of 1969, did you have occasion to attend a meeting at the University of Southern California -- the University of California?

A Yes, I was there at a meeting.

Q And was Mr. Huggins there as well?

A John Huggins, Jr.?

Q Yes.

A Yes, he was there.

Q Was Mrs. Huggins present?

A No. She was at home with their newborn child.

The baby had just been born about three weeks before.

Q And after that meeting, what happened, Miss Brown?

A The meeting closed, and the majority of us were about to leave, to go into a thing -- there were approximately 75 students there, students of UCLA there at the time, and I remember having an appointment myself with an attorney, and I was about to leave, to go and see the attorney, and I went to find a car, and when I wasn't able to find the car, I came back downstairs -- the meeting was on the first floor of the building -- and I spoke with John Huggins and also with Alprentice Carter, and after I spoke with them, I went upstairs to where they had told me I would probably find the person I was looking for to drive me, and in a matter of about three minutes I was back downstairs where people were running and screaming, and we could hear shots being fired, and as a result, in the few moments, people were saying that John was dead, and the people that I was with, we were unable to accept this, and we were not able to get into the room, so we went to the hospital on the grounds there at UCLA, and when we arrived at the hospital, we waited approximately --

MR. MARKLE: I object to this, if the Court

please.

THE COURT: Sustained.

BY MISS RORABACK:

Q And, eventually, did you go back to the house where you and the Hugginses and others lived?

A Approximately two and a half hours later, yes, we went back to the house where we had all lived.

Q And at that point, did you see Mrs. Huggins?

A Yes. We came to the house, and she and the baby were there, and we spoke with her.

Q And you were the one who told her about her husband's death?

A Yes. She told me someone had called her several hours --

MR. MARKLE: I object, if the Court please.

THE COURT: Wait a minute.

MR. MARKLE: At this point, I think it's irrelevant what she told her.

THE COURT: I'll let the answer stand.

MR. GARRY: I didn't hear the answer, your Honor.

THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

THE COURT: I will let that part stand.

BY MISS RORABACK:

Q And after you had told her what happened, --

MR. MARKLE: I'm going to object to this, your Honor.

THE COURT: What is your claim, Miss Roraback?

MISS RORABACK: I'm going to clarify an alleged conversation which Mr. Kimbro testified to on his direct examination by Mr. Markle.

THE COURT: Well, I'll let you go on.

I'm not certain where you're going, but go ahead.

THE WITNESS: When we came into the house --

THE COURT: Wait a minute.

Is there a question pending?

MISS RORABACK: I believe so, your Honor.

THE COURT: Could you read that question, Mr. Reporter.

(The last question by Miss Roraback of the witness was read by the court reporter.)

BY MISS RORABACK:

Q -- what happened next?

A I told her that John had been killed, and she looked down at the floor and said that she thought so due to a conversation she had with someone earlier, several hours

earlier, and she suggested that everyone was upset, and she seemed to want to busy herself, and she made some coffee and began to pack away some of the baby's things, due to the fact all of us wanted to get the baby out of that particular house at that particular time.

Q And --

A So that's what we did.

Q And did Ericka Huggins then leave California at that time?

A No. Approximately twenty minutes after we arrived at the house, the police, Los Angeles Police Department, came to the house, approximately 75 to a hundred, en masse --

MR. MARKLE: I'm going to object to this, if the Court please.

THE COURT: Sustained. It's not responsive.

The question is a simple one, did she leave California at that time?

THE WITNESS: She did not.

BY MISS RORABACK:

Q And what happened next?

A In reference to Mrs. Huggins?

Q Yes.

A She was arrested, along with her child and several other people.

MR. MARKLE: I'm going to ask that that be stricken, your Honor.

I have no way of --

THE COURT: It's not relevant to this case, that's for sure.

What is your claim?

MISS RORABACK: It's very relevant to the total circumstances of what happened, your Honor, and the --

THE COURT: Out in California?

MISS RORABACK: -- condition Mrs. Huggins was in when she left California.

THE COURT: Three months before anything happened here? Four months?

MISS RORABACK: It's certainly an element of time here, your Honor. I think it's quite relevant.

THE COURT: Sustain the objection.

The answer may be stricken.

MISS RORABACK: May an exception be noted?

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q At some time thereafter, did Mrs. Huggins leave California?

A Yes, she did.

Q Approximately how long after her husband's death?

A About three or four days, I would say.

MR. MARKLE: I didn't hear that.

THE COURT: I didn't hear it either.

THE WITNESS: Approximately three or four days,
I would say.

THE COURT: Did you get it, Mr. Reporter?

(The court reporter answered affirmatively.)

THE COURT: Would you read it, please?

(The last question by Miss Roraback of the
witness, and the answers of the witness, were read
by the court reporter.)

BY MISS RORABACK:

Q And did you see Mrs. Huggins again before she was
arrested in Connecticut on May 22, 1969?

A Yes, I did.

Q And where was that?

A I came to New Haven and saw her in the home of her
husband's parents, Mr. and Mrs. Huggins.

Q Now, before the death of her husband, Miss Brown,
can you tell me whether you had an opportunity to form an
opinion as to her reputation in the community in which she
lived, with regard to violence?

A With regard to what?

Q Violence.

A I could say that I formed an opinion, yes.

Q And what was that?

A I think that most people who know Ericka, most people who knew her, and most people who know her, know her to be an extremely gentle person, to be --

MR. MARKLE: I'm going to object.

THE WITNESS: -- an artist --

MR. MARKLE: I think she can tell what her opinion is.

THE COURT: Well, that was the question, Miss Roraback.

It's not responsive.

MISS RORABACK: I think it is. She said most people feel this.

THE COURT: You asked her opinion.

THE WITNESS: What?

MISS RORABACK: I asked if she had --

THE COURT: Read Miss Roraback's question. At least, I thought that was it.

MISS RORABACK: No, your Honor.

(The last question by Miss Roraback of the witness was read by the court reporter.)

MISS RORABACK: I'm talking about what people in the community thought.

THE COURT: No. You asked her for her opinion.

MISS RORABACK: As to the reputation of Mrs. Huggins.

THE COURT: That's right.

MISS RORABACK: That's right, your Honor, and she was being responsive, as I understood it, as to what others thought -- what the opinion of others was.

THE COURT: You see, there are two things. You can ask -- I don't know which one you are trying to ask, you've got it jumbled up.

You can ask what was the lady's reputation, general reputation, in the community or, two, the other one is, what her opinion, personal opinion, is.

MISS RORABACK: The first one, your Honor --

THE COURT: You've got it kind of jumbled up. I don't know what you are asking.

Why don't you clarify it?

MISS RORABACK: I was asking about the reputation, and she was answering that.

THE COURT: Well, --

MISS RORABACK: Might the answer be read?

THE COURT: I didn't understand it that way.

I suggest that you rephrase the question and go at it directly on both points, if you care to.

BY MISS RORABACK:

Q Well, what was her reputation with regard to the question of violence?

A I would think that most people would not think, in terms of Ericka, in connection with violence, because they were very familiar with her work interms of helping people, specifically going to people's houses and doing things for them, knowing a lot of people in the community, finding out some of their problems and helping them solve some of their economic problems, and problems with not having enough food, and she would obtain for them --

MR. MARKLE: I object.

THE COURT: Sustained.

Q And did you, yourself, have an opinion as to Mrs. Huggins, with regard to her propensity -- shall we call it -- towards violence or non-violence?

A Yes, I think that I definitely do.

Q And what is that?

A I would say that Ericka writes a lot of poems, and many things --

MR. MARKLE: Your Honor, I'm going to object to this.

MISS RORABACK: All right.

BY MISS RORABACK:

Q What is your opinion?

A My opinion is that she is a very soft and warm person, who has little leaning toward violence, other than possibly what other people would have, but who reminds me of things that are very soft and very gentle.

MR. MARKLE: May I have the answer read?

THE COURT: Read it back, Mr. Reporter.

(The court reporter complied.)

BY MISS RORABACK:

Q And as a result of knowing Mrs. Huggins, and the persons with whom she associated in California over that period of time, Miss Brown, do you have an opinion as to her -- question withdrawn.

Do you, do you have knowledge of her reputation for truth and veracity?

A Yes, I do.

Q And what was that reputation?

A Everyone looked upon Ericka as a very honest person. I don't know how else to state it. Because people love Ericka very much.

Q And you, yourself, have an opinion as to her propensity, shall we say, for truth and veracity?

A Having known her very closely, my opinion is the same, that she is very honest and very open, and what she says here is what she says there, nothing different.

Q Now, when you saw Ericka Huggins in February of 1969 -- question withdrawn.

Did you also, in the spring of 1969, talk with Ericka Huggins on the telephone?

A Yes, I did.

Q Was that on frequent occasions?

A Yes, we called back and forth very often.

Q Now, can you tell me, based on your own observations, what effect the death of her husband has had on her?

MR. MARKLE: I'm going to object to this. I know of no rule --

THE COURT: What's your claim, Miss Roraback?

MISS RORABACK: I think that it's quite relevant to show her state of mind, your Honor, in the spring of 1969.

THE COURT: I'll sustain the objection to this question. But you can go at it the way you went at it with some of the other witnesses who have just testified. I think you understand what I mean.

BY MISS RORABACK:

Q Can you tell me, Miss Brown, what sort of person Miss Huggins was -- Mrs. Huggins was prior to the death of her husband?

A Very open, and always sort of warm and, and friendly. I don't know how else to say it. Very warm to other people, and open, and always involved in open exchange with people.

Q And after the death of her husband, was there any change in her?

A Yes, there was.

Q And what was that?

A She became very withdrawn. It was difficult, when we would talk for us to have a conversation that didn't eventually lead to her discussions of John and how much she missed him. And that would basically be all she would talk about, most of the time.

MISS RORABACK: I have no other questions.

THE COURT: Mr. Garry?

MR. GARRY: None.

THE COURT: Mr. Markle?

(Page 2730 follows - no omission)

CROSS-EXAMINATION BY MR. MARKLE:

Q Who was responsible for the death of Mrs. Huggins' husband?

MR. GARRY: I think that's irrelevant, if your Honor please. That's not the subject matter of this litigation.

THE COURT: Mr. Garry, her witness.

MR. GARRY: Then this doesn't affect me at all?

THE COURT: She put him on. It only concerns Mrs. Huggins. Your client wasn't even mentioned. She opened the door.

Go ahead, it may be answered.

A Members of an organization in Los Angeles known as the US organization.

Q There was a trial of two men, and they were convicted, is that not a fact?

A No.

Q They were not convicted?

A There were three men.

Q Three men. And did you testify?

A I did.

Q And there was, you went and cooperated with the police on that, is that not correct?

A I testified, as you stated.

Q Yes, and that was in cooperation with the authorities?

A I testified. I don't understand your question. Maybe you should make it clearer because I don't understand what you're saying.

Q Were you forced to testify?

A No, I was not forced.

Q You were requested by the authorities to testify, and you did testify?

A No, I volunteered to testify.

Q You volunteered to testify. And there was nothing against Party policy about going to the police at that time, was there?

A We did not go to the police; we went to the District Attorney's office.

Q The District Attorney's office?

A Yes.

Q About the brother who had been killed?

A (No response.)

Q To help with the conviction of someone who had killed someone else?

A Yes, we testified against those people.

Q Now, you say that you saw Mrs. Huggins almost every day until her arrest in 1969; you didn't mean that, did you?

A I said, you could say it was about -- I spoke with her.

Q You spoke with her every day?

A Almost.

MISS RORABACK: If your Honor please, I think it's also one reason I was asking about what happened after the death of Mr. Huggins. There was an arrest at that time.

THE COURT: Wait a minute, the question is proper. My notes indicate that's what she said. Now, he's asking if that's what she meant. Because it's obvious Mrs. Huggins was here in Connecticut and she was in California.

MISS RORABACK: There were two arrests, your Honor. I was trying to bring out that there was an arrest in California --

MR. MARKLE: Your Honor, may I clarify it?

BY MR. MARKLE:

Q You don't mean the arrest in Connecticut, then, do you?

A No, although I did speak with her almost every day so that I did --

Q You mean here in Connecticut -- I'm sorry -- even here in Connecticut?

A Yes, when I was in California there through tele-

phone communications.

Q Where would you call?

A Where would I call? At the home of Mr. and Mrs. Huggins.

Q In New Haven?

A New Haven.

Q In January?

A In, when she returned here to New Haven, came here to New Haven.

Q In February?

A February, March.

Q In March?

A April.

Q April?

A May.

Q And May?

A Yes.

Q You would speak to her at the Huggins home. Did you know that she had moved out of the Huggins home?

A Yes, she eventually did move out of the home.

Q She didn't have a telephone there?

A I don't remember the telephone number, or where I called her, but I would call her through Mrs. Huggins most of the time.

Q And you tell us that you knew her when she was in Los Angeles, and you met her in 1968 in the Black Panther office, is that right?

A That's right.

(Page 2735 follows; no omission.)

Q And did she come to hold an office in the Black Panther Party?

A Come to do what?

Q Come to hold an office in the Black Panther Party, Mrs. Huggins?

A Within the Southern California Chapter, yes.

Q In the Southern California Chapter?

A Yes.

Q And what was the position she held?

A She handled the communications, coordinated the communications; that is to say, the telephones, and generally speaking the office work.

Q And it is fair to say then that since sometime in 1968 she had been a Black Panther?

A Yes, it would be fair probably to say that.

Q Thank you. And as I understand it you knew her reputation in California, is that correct?

A Yes.

Q And you are not familiar with what she did here in Connecticut after her return, are you?

A You mean the day to day things that she did?

Q Right.

A I was not here in Connecticut.

Q Do you know when she started again to engage in

Black Panther activities?

A I believe that she started to come to one of the offices approximately a month or more after burying John.

Q I don't know whether I asked you this, but the members of the US Party, who was the head of that party in 1969?

A It's not the "US Party"; it's the US Organization.

Q The US Party, all right.

A Organization.

Q Organization?

A Yes.

Q Who was --

A Now, what was your question again?

Q Who was the head of the US Organization in 1969?

A A man named Ronald Everitt, who also calls himself Ronald Kerenga.

Q Ronald Kerenga?

A Yes.

Q And have you ever heard Mrs. Huggins talk about Ron Kerenga?

A Have I ever heard her talk about it?

Q Yes.

A Yes, we have spoken together about it many times.

Q And what has the conversation been, the nature

of the conversation?

MISS RORABACK: May we have the time, your Honor?

THE COURT: The time?

Q This is during 1969, I take it?

A You "take it"? You asking me the question?

What do you want to ask?

Q During the period of time, 1969, did you discuss Ron Kerenga with Mrs. Huggins?

A Yes, I'm sure that we did discuss him.

Q And did you ever have an opportunity to hear the tape made of the interrogation of Mr. Rackley?

A No, I have not.

Q And do you know how Mrs. Huggins asked questions at that time?

A No, because I didn't hear the tape.

Q You never heard the tape. Have you ever read a copy of the tape?

A No.

MISS RORABACK: If your Honor please, I think that's a misstatement --

THE COURT: She said "No."

MISS RORABACK: It's misleading the witness. There's only one question on that whole tape.

THE COURT: She said "No."

BY MR. MARKLE:

Q Did you ever hear her opening of that tape?

A No, I have not heard the tape.

(Page 2739 follows; no omission.)

Q And you say she is a very truthful person, is that correct?

A Yes, that's correct.

Q Very honest? And if she said it, that's what she meant?

A I said that I thought that, my opinion was that she would say things here, and say things there, and they would not be dishonest.

Q So that if she said, "On May" 27th -- I'm sorry -- "On May 17th at approximately 10:00 o'clock, Brother Alex from New York was sleeping in the office, that is a house that we use as an office," that would be apt to be true?

MISS RORABACK: Your Honor, I object. It's argumentative.

MR. MARKLE: I claim it.

THE COURT: I agree. It's argumentative.
Sustain the objection.

BY MR. MARKLE:

Q And when she returned to Connecticut did you discuss Black Panther Party activities here?

A Well, of course.

Q And did she tell you where she was -- who was in the Party here in 1969?

A The only person I remember, because I went to the

office myself, was somebody named Jose.

Q So is it a fact that you came up here sometime in 1969?

A Yes; I said that.

Q Where did -- when, do you know?

A In February, approximately.

Q And did you, you went to the office of the Black Panthers at that time?

A I went to an office that was beginning to be, or stated as a Black Panther office, in Bridgeport.

Q And in March of 1969, as I understand it, you were in quite constant contact with Mrs. Huggins by telephone?

A Yes.

Q And that was also in April of 1969?

A I would say so.

Q And also in May of 1969?

A I would say so.

Q And did she ever ask you about George Sams?

A No.

Q And did she ever ask you, in May of 1969, about Landon Williams?

A No.

Q Did she ever ask you in May of 1969 about Rory Hithe?

A No.

Q Did she ever tell you that a man was being held in the basement of the Kimbro apartment?

A No.

Q Did she ever tell you that a tape recording had been made?

A No.

Q Did she tell you that that man had been burned with hot water?

A No.

Q Did she ever tell you that that man had been removed tied up?

A No.

Q So she never discussed any of these things with you?

A No. As I said she always talked about John.

Q Always talked about John?

A Huggins.

Q Did she ever mention Warren Kimbro?

A No -- once, yes, she did mention his name, excuse me.

Q And what did she tell you about Warren Kimbro?

A I believe that was Warren Kimbro's house to which they had moved.

Q And what else, if anything, did she tell you?

A I don't recall any other conversations about him.

Q You don't recall any conversations? Did you meet him when you came up here in February?

A No.

Q In 1969?

A No.

Q And so that about how many conversations do you think you had with her in, say, February of '69?

A In February of '69?

Q Yes.

A I couldn't say, because I saw her in February of '69. So it's difficult to say how many conversations one has on a day to day basis.

Q How about in March of 1969?

A I would say I spoke with her several times a week.

Q Several times a week?

A Yes.

Q And that took care of March. April?

A I guess all those would be, it's difficult to remember, you know, on a calendar basis exactly how many conversations I had.

Q I appreciate that, I'm just asking you, you did have a chance to speak to her several times each week during March, is that right?

A I would say so, yes.

Q April?

A I would say so.

Q And May?

A Probably.

MR. MARKLE: I have no further questions.

MISS RORABACK: I have no questions.

THE COURT: Mr. Garry?

MR. GARRY: I have no questions.

(Whereupon, the witness was excused.)

end tk.

(Page 2744 follows; no omission.)

F A T H E R E U G E N E J. B O Y L E ,

of 546 Fillmore Street, San Francisco, California,
having been called as a witness by the defendant
Seale, was duly sworn and testified as follows:

THE COURT: Is that Boyle or Doyle?

THE WITNESS: Boyle. "B" as in boy.

THE COURT: All right.

DIRECT EXAMINATION BY MR. GARRY:

Q Father Boyle, would you tell us what denomination
you are the Clergy for?

A I am a Roman Catholic priest.

Q Father Boyle, would you tell us some of your
occupation that you have been involved in?

A Well, I am, first of all, the Pastor of Sacred
Heart Church in San Francisco, which is at the address I
just indicated, which is in the western addition or Fillmore
District of San Francisco.

I am also Chairman of the Commission on Social
Justice for the Archdiocese of San Francisco. I am Co-
Chairman of the San Francisco Conference on Religion and
Race and Social Concern, and I am also on the San Francisco
Conference on Religion and Peace, and I serve on a variety
of other boards of agencies dealing with human relations and

human rights.

Q Father Boyle, in connection with your work and your occupation in the vicinity of San Francisco and the Bay area, have you had occasion to come in contact with Bobby G. Seale?

A I have.

Q And do you know Mr. Seale personally?

A I know Mr. Seale personally.

Q And have you worked with him in community work with Mr. Seale?

A I have worked with Mr. Seale.

Q And has your Church been involved in any Panther activities, Father Boyle?

A It has. Our Church has been the center for one of the Black Panther breakfast programs for children since March the 10, 1969.

Q This was instigated and you were contacted by whom to put this in operation?

A I was contacted by Bobby Seale and by David Hilliard.

Q And they personally contacted you?

A They personally contacted us.

Q Now, are you familiar with Mr. Seale's reputation for truth, honesty and veracity in the Bay area?

A I am.

Q And what is that reputation?

A Very good.

Q Are you familiar with Mr. Seale's reputation in the community, in the area, in the Bay area of California, the Bay area -- the northern part of California, as to his propensity for peace and quiet?

A I am.

Q And what is that?

A Well, I would say that the Black Panther Party in --

MR. MARKLE: I object. I want to know about Mr. Seale.

THE COURT: You were asked about Mr. Seale, Father.

THE WITNESS: All right. Mr. Seale's propensity for the kind of activity that you had mentioned is, I feel, very high. In other words, I firmly believe, having dealt with Mr. Seale on a number of occasions, that his interest is in serving the people --

MR. MARKLE: I am going to object. He testified to what it is.

THE COURT: Let's read the question so the Father will understand it.

Would you go back and read Mr. Garry's last question.

(The last question by Mr. Garry was read by the court reporter.)

THE WITNESS: Well, I say, in the Bay area, his propensity is for peace and quiet.

BY MR. GARRY:

Q Thank you. Now, Father Boyle, I have asked you about his general reputation. Now I am going to ask you personally about your own personal contacts with Mr. Seale as to his character, about truth, honesty and veracity. How have you personally found him?

A I have always found him truthful, honest and veracious. I guess that's the adjective.

Q And in your private contacts with him, in your private discussions, how have you found him to relate to peace and quiet?

MR. MARKLE: I object. He has answered.

THE COURT: Not himself, personally.

MR. GARRY: I asked general reputation.

Now I am talking about --

THE COURT: You don't have to explain it to me. I had to explain it to Mr. Markle.

THE WITNESS: Can I have the question read to me again.

THE COURT: Yes, it may be read.

(The last question by Mr. Garry was read by the court reporter.)

THE WITNESS: I have always found him to relate well to peace and quiet in my conversations with him and in my work with him.

MR. GARRY: That's all the questions I have.

THE COURT: Miss Roraback, do you have any questions?

MISS RORABACK: No, thank you.

THE COURT: Mr. Markle.

MR. MARKLE: Yes, just a few questions.

CROSS EXAMINATION BY MR. MARKLE:

Q Did you hear the speech that he gave here at Yale?

A Pardon?

Q Did you hear the speech that Bobby G. Seale gave at Yale?

A I did not hear that speech, no.

Q So you don't know what he said in this community?

A No, I don't know from that speech what he said in this particular community.

Q Do you know whether not there is a breakfast program in this community?

A I do not know whether there is a breakfast program or not.

Q Have you heard that he has a Bad Conduct Discharge?

A I have, obviously, heard that Mr. Seale has a record --

Q I don't mean to interrupt you. I am asking you, have you heard that he has a Bad Conduct Discharge?

A I have heard that he has a police record. I have never heard that, no.

Q That would not affect your judgment of him, is that correct?

A What would not?

Q The fact that he has a Bad Conduct Discharge.

A No, not necessarily, in itself. I would have to know the background reasons for it.

Q If it has to do with using disrespectful language to an office and also drinking on duty, would that affect your judgment?

A Not simply in itself, no. I would never make a judgment on any man on one particular instance of that kind.

Q Are you familiar with the fact that in 1966 he was arrested and convicted for battery on a police officer, and I believe it was in California?

A Well, I certainly am familiar with the fact, with

the general knowledge of the fact that Mr. Seale has a background, a police background, and what I am trying to say is that in the ghetto, in the Black community, a man without a police record would not be normal.

Q Father, that may be, but you testified that he has a propensity for peace and quiet, and that would not affect your judgment of him?

A No, it would not because I can give you --

Q In --

MR. GARRY: Just a minute.

MR. MARKLE: He answered me.

MR. GARRY: He is entitled to finish his answer, your Honor.

THE COURT: He answered the question. He wanted to do a little ad libbing with a "because." That's not permitted.

You can take it up on redirect, if you care to.

Q Are you familiar with the fact that in October of 1966, he was charged with assault with a dangerous weapon and he received a sentence for that?

A I am familiar with the fact that Mr. Seale has had a record and I am not in any way swayed by any one particular thing of that kind in my judgment. As far as I am concerned, in my dealings with him, since every man, you know, can grow and change and develop, and that's exactly what the Black Panther Party has done. That's the whole point of the Black Panther Party and --

MR. MARKLE: If your Honor please, I am going to ask that that be stricken. It is difficult to --

THE COURT: It is not responsive. It may be stricken.

BY MR. MARKLE:

Q Father, I am going to ask you whether or not you are familiar with the fact that he was arrested in 1967 for carrying a dangerous weapon?

A As I said before, and I think I have answered the question, that I know that he has had a police record. I also know there is a lot of police harassment in --

MR. MARKLE: Your Honor --

THE COURT: The answer may be stricken.

Father, will you try to direct your answer to the specific question that is put to you. Mr. Garry here will ask you whatever questions he thinks are proper, but it is not proper for you to try to fill in something just to get it off your chest.

THE WITNESS: I stand corrected, your Honor.

THE COURT: So answer his questions and answer them fully, but answer them only.

THE WITNESS: I stand corrected.

BY MR. MARKLE:

Q Did you know that in 1968, in California, he was convicted of possession of a firearm around a jail, a felony?

A I told you already --

THE COURT: You see, Father, the question is, did you know that.

A I'll say I did not know that. All right?

Q None of those facts would change your opinion?

A Not in themselves.

MR. MARKLE: All right. I have no further questions. Thank you.

THE COURT: Mr. Garry.

REDIRECT EXAMINATION BY MR. GARRY:

Q Father Boyle, you heard the questions that were asked. Why wouldn't the fact of certain arrests that the prosecutor called to your attention about Mr. Seale change your opinion about his propensity for quiet and peaceful --

A Well --

MR. MARKLE: I am going to object to that, if the Court please. I don't think he can answer that, not without knowing the facts.

THE COURT: Sustained.

BY MR. GARRY:

Q You said you did not know any of the facts. But what factors would you consider in order to be able to evaluate some of the charges that the prosecutor referred to?

MR. MARKLE: I am going to object to that, if the Court please.

THE COURT: Sustained.

We are not going into a dissertation. The Father explained that he knew he had a police record and the fact that he had a police record would not necessarily change his opinion as he had previously stated.

BY MR. GARRY:

Q Are you familiar, Father Boyle, with the fact that

Mr. Seale himself was responsible for stopping the riot in Richmond, California?

MR. MARKLE: I object to that.

THE COURT: Sustained.

Mr. Garry, you know that's not --

BY MR. GARRY:

Q You started to say "because" when Mr. Markle cut you off. You started to explain why this would not be germane and would not interfere with your thoughts, about changing your opinion about the question of peace and quiet. What did you mean by that?

MR. MARKLE: I am going to object to that.

THE COURT: I don't know what you are talking about, number one.

MR. GARRY: You said I could clean it up myself, and I am trying to do that.

THE COURT: Get it back into focus.

MR. GARRY: Well, the focus was -- the question was asked, did you know that he had been arrested for such and such a charge and he said it would make no difference to him because. I want to know what the because is.

MR. MARKLE: I am going to object. He said because he doesn't know the facts, and he doesn't

know the facts, and under the law I can't go into them.

MR. GARRY: He didn't finish what the "because" was. He was afraid to hear what the "because" was.

THE COURT: Mr. Garry, I am not interested in what you want to hear.

MR. GARRY: I want the Court to hear it. I want the jury to hear it.

THE COURT: Mr. Garry, just slow right down.

The jury hears what this Court thinks they should hear.

MR. GARRY: That's what my duty is, to see that I can present it to you.

THE COURT: If what you are attempting to have this jury hear is improper, I will not let them hear that.

You understand that?

MR. GARRY: I appreciate that, and I have followed your admonition, and I am going to continue to follow it.

THE COURT: Just relax.

MR. GARRY: I am relaxed.

THE COURT: Put your question to Father Boyle.

MR. GARRY: I have.

THE COURT: Read it, Mr. Reporter.

(The court reporter complied.)

THE COURT: I will let it be answered.

I will overrule the objection.

MR. MARKLE: Exception.

THE COURT: Exception may be noted.

A Because, first of all, in black communities -- in the black community in which Bobby Seale works, particularly where he started to work in Oakland, California, there was much police harassment of the black community. In fact, the reason for the foundation of the Black Panther Party was as a self-defense --

MR. MARKLE: I object to this.

THE COURT: I will cut you off.

I will sustain the objection.

MR. GARRY: I will take an exception.

THE COURT: Exception may be noted.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

MR. MARKLE: I have no questions, your Honor.

THE COURT: You may step down.

(The witness was excused.)

(Page 2757 follows; no omission.)

F A T H E R E A R L A. N E I L,

of 2624 West Street, Oakland, California, having
been called as a witness by the defendant Seale,
was duly sworn and testified as follows:

DIRECT EXAMINATION BY MR. GARRY:

Q Father Neil, would you please tell us what your
denomination is that you are a clergyman for?

A The Episcopal Church. I am an Episcopalian priest.

Q Would you tell us a little bit about your background?

A Presently, I am Rector of St. Augustine's Episcopal
Church in Oakland, California.

I graduated from Carlton College, Northfield,
Minnesota. I am a graduate of Seabury Western Theological
Seminary, Evanston, Illinois.

I have served churches in Wichita, Kansas, and
in Chicago.

Presently, I am a member of the National Board of
the National Committee of Black Churchmen, a member of the
National Board of the Union of Black Episcopalians. I am
Chairman of the Bay Area Union of Black Episcopalians, and
former Vice-President and National Vice-President of the
Episcopalian Society for Cultural and Racial Unity.

During the Selma to Montgomery march in 1965, I was

in charge of orientation for the Southern Christian Leadership Conference. I have done extensive civil rights work in Mississippi, in voter registration.

This past year I was a member of the Alameda County Grand Jury, 1970 Alameda County Grand Jury, and last year I was included among one of the 10,000 Outstanding Young Men in America in 1970.

I am also a lecturer at the University of California at Berkeley on the History and Development of the Black Church and of the Black Family.

Q Now, Father Neil, how long have you known Mr. Seale?

A I have known Mr. Seale intensively and intimately for a period of three years.

Q And what was your first contact with him?

A I first met him at my church.

Q That's the St. Augustine's Church?

A That's right, in Oakland.

Q You have a breakfast for children program there, do you not?

A That's right, the breakfast for school children program began at St. Augustine's under the co-sponsorship of our congregation and of the Black Panther Party.

Q And you have worked closely with not only Bobby Seale, but with the Panthers themselves?

A That's correct.

Q And you were also a close friend of Martin Luther King?

A That's correct.

Q Did you to go his funeral?

A Yes.

Q Did Mr. Seale go with you?

A That's correct. We went down to his funeral in Atlanta, Georgia.

Q Father Neil, in the years that you have known Mr. Seale, are you familiar with his reputation in the community regarding the truth, honesty and veracity?

A Yes, I am.

Q What is that reputation?

MR. MARKLE: I will object unless we get what community.

BY MR. GARRY:

Q The Bay area of Northern California.

A Yes, I am.

Q And what is that reputation, Father Neil?

A It's an excellent reputation.

Q What is his reputation -- strike that.

Do you know his general reputation in the community for peace and quiet?

A Yes, I do.

Q What is that reputation?

A Mr. Seale is regarded as one of the foremost upholders of peace and quiet in the community, in the Bay community, Northern California community.

Q And I am going to ask you now, on your own personal relationship, one-to-one relationship with Mr. Seale, as to how you personally have found him on the question of truth, honesty and veracity.

A I found Mr. Seale to be a very honest person, with a tremendous amount of integrity and truthfulness.

Q And regarding your own personal experience with Mr. Seale as to the question of peace and quiet, have you, yourself, formed a personal opinion in this regard?

A Yes, I have.

Q And what is that personal opinion, Father Neil?

A That opinion is that if anyone can keep peace and quiet in the community, then Mr. Seale can.

Q And you have actually seen this demonstrated?

A I have witnessed this and experienced it.

Q Would you give us some examples?

MR. MARKLE: Objection, your Honor.

THE COURT: No examples, counsel.

Sustained.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

Q Now, Father Neil, you are familiar with the fact that he has been arrested?

A Yes, I am.

Q And you know he was thrown out of the Air Corps?

A I found that out this morning -- this afternoon, I'm sorry.

Q This afternoon?

A Yes.

Q Would the fact that he had been arrested or thrown out of the Air Corps, whatever reasons there were, would that make any difference as far as you personally are concerned in what you, yourself, have observed and worked with Bobby Seale?

A No, it would not.

MR. GARRY: You may cross examine.

THE COURT: Mr. Markle.

CROSS EXAMINATION BY MR. MARKLE:

Q So, Father, just one or two questions. You know nothing about Mr. Seale in the New Haven community?

A I'm sorry?

Q You know nothing about Mr. Seale in the New Haven community?

A You mean Mr. Seale in the New Haven community, or

are you talking about two separate entities?

Q No. I am talking about the New Haven community.

A No.

Q And if he said, when he was here, that "The revolution is on. We want some solidarity. We don't teach you how to cuss. We're talking about people arming themselves." Is that peaceful talk?

A It most certainly is.

MR. MARKLE: I have no further questions.

Thank you, Father.

REDIRECT EXAMINATION BY MR. GARRY:

Q Father Neil, you have heard Bobby Seale speak on many occasions, have you not?

A That's correct.

Q And when you said that "That certainly is," in response to the question that counsel gave you, what did you mean by that?

A I meant by that --

MR. MARKLE: Your Honor, I am going to object to this.

I asked him the question and he answered that it was peaceful talk.

What does he mean by it --

MR. GARRY: I am entitled to find out.

THE COURT: Overrule the objection.

MR. MARKLE: May I have an exception?

THE COURT: Exception noted.

THE WITNESS: I mean that this is peaceful talk as defined by oppressed people, oppressed Black people and oppressed White people, oppressed yellow people, oppressed brown people, oppressed red people, because what we mean by "revolution," oppressed peoples mean by revolution, is that a change needs to come about, that a change is in process, and one must arm himself to bring about this revolution, and when one speaks of arming one's self, one speaks of arming one's self to the political arena, to the social arena, in the sense of alleviating and changing social conditions through trying to relate to each other, as human beings, that these are the kinds of arms that oppressed people are talking about, and that oppressed people will only take up the arms of weapons, of such firearms, only when they are forced to do so, but when we speak of arms, we are talking about these other means first, the means of arms that oppressed people have always engaged in through

the time of Frederick Douglas, W. B. DuBois, Philip Randolph and Doctor Martin Luther King, up to the present.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

MR. MARKLE: I have no questions.

THE COURT: You may step down.

(The witness was excused.)

MISS RORABACK: Excuse me, your Honor.

MR. GARRY: May the jury be excused, your Honor?

THE COURT: Sure.

(The jury was excused at 3:18 P. M.)

(Discussion off the record between the Court and counsel.)

THE COURT: Call the jury in, Sheriff.

(The jury entered the courtroom at 3:22 P. M.)

THE COURT: Ladies and gentlemen, I know you won't be disappointed when I tell you you can go home early today, but, you see, counsel are faced with many difficulties, I assume you appreciate them, and witnesses are being brought in from the West Coast and various other places, and things went more rapidly than counsel anticipated they

would this afternoon, and they just don't have any other witnesses available, so I am going to excuse you until tomorrow morning at 10:00 o'clock, and I am frank to say that I rather anticipate that we might run into a similar problem sometime tomorrow afternoon, but tomorrow is Friday, and we are glad to get out early on Friday.

But, in any event, I am going to excuse you until tomorrow morning at 10:00 o'clock, and, briefly, to repeat my admonitions, stay away from any news broadcasts on the radio or television, news stories in newspapers, periodicals, magazines of any kind, concerning this case, the Panther Party and any related case or any of the principals of the Black Panther Party and also, of course, no discussions with anyone concerning those subject.

Once again, forget all about this. We will pick up tomorrow morning with additional witnesses.

All right, safe trip home. Good night, have a pleasant evening, see you in the morning.

(The jury was excused at 3:25 P. M.)

THE COURT: All right, prepare to adjourn court until tomorrow morning.

Adjourn court, Sheriff, until tomorrow morning

at 10:00 o'clock.

(The court adjourned at 3:30 P. M.)

W I T N E S S E S

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
SHIRLEY WOLTERDING (By Mr. Garry)	2613		2687, 2695	
(By Miss Roraback)	2649	2647		2687
(By Mr. Markle)		2653		2688
ELIZABETH HUGGINS (By Miss Roraback)	2699			
(By Mr. Markle)		2703		
COLETTE JENKINS (By Miss Roraback)	2706			
(By Mr. Markle)		2710		
ELAINE BROWN (By Miss Roraback)	2713			
(By Mr. Markle)		2730		
FATHER EUGENE J. BOYLE (By Mr. Garry)	2744		2753	
(By Mr. Markle)		2748		
FATHER EARL A. NEIL (By Mr. Garry)	2757		2763	
(By Mr. Markle)		2762		

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
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DEPENDANT SEALE'S EXHIBIT

25	Testimony	2632	
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NO. 15681

STATE OF CONNECTICUT

vs.

ERICKA HUGGINS

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 7, 1971

NO. 15844

STATE OF CONNECTICUT

vs.

BOBBY G. SEALE

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 7, 1971

B e f o r e: HON. HAROLD M. MULVEY, Judge
& Jury (12)

A p p e a r a n c e s:

ARNOLD MARKLE

State's Attorney, New Haven County
121 Elm Street
New Haven, Connecticut

CATHERINE G. RORABACK

129 Church Street
New Haven, Connecticut

Representing the defendant
Ericka Huggins

CHARLES R. GARRY, ESQ.

341 Market Street
San Francisco, California

- and -

DAVID ROSEN, ESQ.

865 Chapel Street
New Haven, Connecticut

Representing the defendant
Bobby G. Seale

COURT REPORTERS:

Arthur E. Moan, Jr.
Walter Rochow
David Tilewick

M O R N I N G S E S S I O N

Friday, May 7, 1971

(The court opened at 10:15 A.M.)

THE COURT: All set, counsel?

MISS RORABACK: Yes.

MR. GARRY: Yes.

THE COURT: Call the jury.

(The jury entered the courtroom at 10:16 A.M.)

THE COURT: Good morning, ladies and gentlemen.

Miss Roraback.

MISS RORABACK: Mr. Garry.

MR. GARRY: Mr. Josh Morton, please.

J O S H U A

D I L L

M O R T O N ,

of 157 Edgewood Avenue, New Haven, Connecticut,
having been called as a witness by the defendant
Seale, was duly sworn and testified as follows:

DIRECT EXAMINATION BY MR. GARRY:

Q Mr. Morton, would you please tell us what your
occupation is?

A I'm a photographer.

Q And what is your background as a photographer?

A As a candidate for a Master of Architecture degree
at Yale University, I have been taking architectural photogra-
phy --

Q Speak slowly. I want everybody to hear you, the
Court, the jury, and I don't want the court reporter to work
overtime. Start over again.

A As a candidate for a Master of Architecture degree
at Yale University, I have been taking architectural photogra-
phy for the past four years. I am also a partner of the May
First Media, Incorporated, which is a firm which produces
documentary films.

Q Now, at the behest of Mr. Rosen, did you take some
photographs at his direction?

A I did.

Q And you also shot some films?

A I did.

Q When did you do that?

A The evening of last Thursday.

Q Would you give us the time, the approximate time that the span took?

A We began taking pictures at 11:15 P.M., and we finished at 12:40.

Q That would be the following day?

A The following day.

Q Did you have anybody assisting you?

A I did.

Q And who assisted you?

A Carol Lee Gibbs.

Q And is Miss Gibbs here in town today?

A No, she isn't.

Q At your direction, certain photographs were shot, is that right?

A That's correct.

Q Were you actually at the place where the shooting took place?

A I was.

Q And can you tell the Court and jury what was the purpose of these film shots?

MR. MARKLE: I will object to this, if the Court please.

THE COURT: No. What he did.

Got the pictures?

Show them to counsel. Maybe he will agree to them.

MR. GARRY: The pictures are already in evidence.

BY MR. GARRY:

Q Mr. Morton, I show you here certain photographs that are already an exhibit. I show you the first one designated as Defendant's Exhibit No. 19 --

MISS RORABACK: For the record, might it also be noted what the number is for Huggins.

MR. GARRY: Defendant's Exhibit for Mrs. Huggins is 14.

MISS RORABACK: Thank you.

BY MR. GARRY:

Q Now, would you stand here, if you will, Mr. Morton, behind Mrs. Huggins, and show to the Court and show it to the jury, if you will.

(The witness stood in front of the jury box.)

Q That picture was shot by Miss Gibbs while you were standing next to her, is that correct?

A That's correct.

Q Can you tell me what the purpose of that shot was?

MR. MARKLE: I am going to object, if the Court please. These pictures are taken by him, offered by him. They are in evidence, and now we are going to explain away his evidence.

I object.

THE COURT: Counsel, he can tell what the picture shows.

MR. GARRY: Beg pardon?

THE COURT: He can tell what the pictures show.

MR. GARRY: There is another reason for it. I think it will be self-explanatory.

THE COURT: I have sustained the objection to the question.

MR. GARRY: It will be self-explanatory when I finish.

THE COURT: Go ahead.

(Page 2776 follows; no omission.)

BY MR. GARRY:

Q From the point where the driver would be sitting in that exhibit that you are holding in your hand, which is there, was a shot made towards the archway across the street?

A It was.

Q And holding each one of these which are an exhibit, you may pick out the exhibit that is appropriate as to what you can see or, rather, what the film shows -- the picture shows from the spot where you had the photographer take the picture?

MR. MARKLE: If your Honor please, I would object to these. These were put in. He is going into his own evidence.

It has been testified by two witnesses as to what this allegedly shows and what these posed pictures are.

I would object to this. This is in the nature of demonstrative evidence, and I object. It's irrelevant. It's a posed picture.

THE COURT: I will overrule the objection.

MR. MARKLE: May I have an exception, if your Honor please.

THE COURT: Exception.

BY MR. GARRY:

Q Now, you had which exhibit that you shot the picture from?

A This exhibit shows from where I shot the picture --

Q Would you look on the back and give us the number.

A Exhibit 19.

Q From 19, a shot was made, and you hold another exhibit in your hand. What is the number of that?

A 21.

Q What does 21 depict from the standpoint of the shot that was made from No. 19?

A 21 depicts the pillar and the archway and the archway itself of 365 Orchard Street.

Q Now, show us some of the other exhibits.

MISS RORABACK: Just before we proceed to that, could we have the exhibit number, the two numbers, because there are two on there.

THE WITNESS: Defendant's Exhibit 19 is No. 15844.

THE COURT: No. 19 is No. 14 in your case, Miss Roraback, and 21 is 16 in your case, Miss Roraback.

MISS RORABACK: I just wanted it clear on the record.

THE COURT: I should say the Huggins case.

BY MR. GARRY:

Q Give us the shot No. 21.

A No. 20?

Q No. 20.

A This shot No. 20, which was taken from the driver's point of view --

THE COURT: Shot No. 20 doesn't mean anything.

Exhibit No. 20 in the Seale case and No. 15 in the Huggins case shows, and go ahead.

THE WITNESS: It depicts the pillar and the archway of 365 Orchard as seen from the driver's point of view at a point in the middle of a driveway.

BY MR. GARRY:

Q Middle of what driveway? Would you show the driveway you are referring to in one of the exhibits and refer to the exhibit number?

A In Defendant's Exhibit 24 -- Defendant's Exhibit 19 for Miss Roraback -- this driveway.

MISS RORABACK: Thank you.

MR. MARKLE: I will object to that, if the Court please.

I don't know what the relevance of that shot is, other than to show a picture.

THE COURT: But he --

MR. GARRY: I know what the relevance is.

THE COURT: I don't need any explanations.

Overrule the objection.

You go ahead.

BY MR. GARRY:

Q In other words, where you are pointing your finger is where that camera shot in the direction of the archway, and from there the picture you have designated as Exhibit --

A 20; 15.

Q And that is what you see there?

A That's what I see.

BY MR. GARRY:

Q Now, calling your attention to No. 22, Exhibit No. 22 --

THE COURT: No. 17 in the Huggins case.

MR. GARRY: 22 and 17.

BY MR. GARRY:

Q What is that area designated? I just want you to tell me what that picture designates. There is a tree and an automobile there? (Indicating)

A There is a tree and automobile, which designates the area across from 365 Orchard Street.

Q Now, is that automobile directly behind the automobile that's in No. 19? (Indicating)

A Yes, it is.

Q No. 19?

A Yes, it is.

Q Now, that was your automobile, was it not?

A Yes, it was.

Q And what time was that shot made?

A This shot was made toward the end of when we were shooting the pictures, between 12:30 and 12:40.

Q And that would be on the --

A Morning.

Q -- Friday morning?

A Yes.

Q As distinguished from Thursday night?

A Thursday night.

MR. GARRY: Now, I have here another photograph, if your Honor please, I would like to put in for identification at this time.

MISS RORABACK: Both cases, Mr. Garry.

THE COURT: No. 26.

MR. GARRY: And a corresponding number for Miss Roraback?

THE COURT: And No. 20.

(The photograph referred to was marked as DEFENDANT SEALE'S EXHIBIT No. 26 for IDENTIFICATION and DEFENDANT HUGGINS EXHIBIT 20 FOR IDENTIFICATION.)

MR. MARKLE: Before it's admitted, may I see it?

THE COURT: It's only marked for identification.

MR. MARKLE: I thought he was offering it.

THE COURT: No, only for identification.

Are you offering it as a full exhibit?

MR. GARRY: After he sees it.

If he has any objection --

MR. MARKLE: Well, can I make just one or two inquiries, your Honor?

EXAMINATION BY MR. MARKLE:

Q You took this photograph, sir?

A Carol Lee Gibbs took the photograph at my direction.

Q And what light source did you use?

A Available light.

Q Available light?

A Yes.

Q What film?

A Tri-X.

MR. MARKLE: I'm going to object to this, if the Court please, on the grounds that I don't know what it's supposed to show, and it's not the same light source as what we are talking about on the night in question, it's a whole different thing, and I don't see the relevance of it, your Honor, unless he wants to show where the building was located.

THE COURT: What is the purpose of the offer, Mr. Garry?

MR. GARRY: In the first place, these were shot approximately --

THE COURT: What is the purpose of the offer?

MR. GARRY: Beg your pardon?

THE COURT: What is the purpose of the offer?

MR. GARRY: The purpose is to show from another angle, what you can see from the middle of 366 Orchard Street, the view that you can see.

MR. MARKLE: The nature of my objection, your Honor, is that these are both photographs which are taken in April, supposedly reflecting something that occurred in May, 1969, and it's inadmissible, your Honor.

I claim it for the reason that it's not the same -- it's not the same light source, not the same evening, not the same condition, and it's posed.

THE COURT: Let me see it, would you, counsel?

(The photograph was handed to the Court by Mr. Garry.)

THE COURT: Are you claiming this car, Mr. Garry? (Indicating)

MR. GARRY: Beg your pardon?

THE COURT: Are you claiming this car?

MR. GARRY: No.

If I can ask a few questions of the witness, I think I can clarify it, your Honor.

THE COURT: Well, that car -- there is no claim being made about that automobile. It takes up most of the picture.

MR. GARRY: What we have done, your Honor, is to put automobiles in front of that archway, as the testimony has been related here, and we took some pictures of that automobile directly in front of the archway. That was the purpose in doing that.

MR. MARKLE: If your Honor please, if he is offering that as to the automobile, which I don't understand to be the offer, there are other questions I would like to direct to this witness, and that's the reason I objected to this line of testimony.

MR. GARRY: I have no objection to his voir diring this witness prior --

THE COURT: What other questions?

EXAMINATION BY MR. MARKLE:

Q Sir, Tri-X is a relatively fast film, is it not?

A Relative to what?

Q Relative to light conditions?

A To what light conditions?

Q Whatever light conditions were at the --

A Be specific.

THE COURT: Return to the stand, sir.

(The witness returned to the witness stand.)

BY MR. MARKLE:

Q If you, as a photographer, wanted to take a picture at night, under available light conditions, you would use any given number of types of film, wouldn't you?

A No.

Q No?

A No.

Q All right. What is the standard for -- what is the ASA rate for Tri-X?

A The ASA rating for Tri-X can be anywhere from 360 to 1600.

Q And what is the terminology, in layman's language of what ASA means?

A ASA means -- it describes a motion in terms of the amount of light which is needed to produce the chemical

reaction which will allow a photograph to be taken.

Q So that if I wanted to take a shot at night, and I wanted to be sure that the shot came out and showed many more details, I would go to what, in layman's language, is a faster film, is that not true?

A A faster film? It depends on what you are interested in.

What I would do, as a photographer, I would use Tri-X for almost all conditions.

Q Day and night?

A I expose it according to different ASA speed given differences in light conditions.

Q So if you wanted to make the picture lighter, you would shoot at a higher rate, ASA rate?

A (No response.)

Q In other words, you can control the density and the composure of a picture by your ASA, can't you, by a manipulation of the ASA?

A That is one means of doing it.

Q And another means of doing it, in controlling the conditions and lighting conditions, is in the dark room and developing, isn't that the second?

A There are other conditions that you can use.

Q And the third -- well, I am only running down some

that I may know of. One is your film, two would be in the dark room and your developing, is that not true?

A That is true.

Q And the third, at least as far as I know, would be in your method of processing the film? In other words, one in the developing can, when you process the picture?

A That is true.

Q And in each of those instances, you have control, as a photographer, to light or dark in the picture?

A That is true.

Q And you don't know what the lighting conditions were on May 19th or 20th of 1969?

MR. GARRY: Just a minute.

That isn't a proper presentation of the evidence.

At what particular time?

MR. MARKLE: Well, that's what we are interested in, your Honor.

He is claiming --

MR. GARRY: I know, but --

THE COURT: Overrule the objection.

Go ahead.

THE WITNESS: Would you repeat the question?

THE COURT: It may be read.

(The last question by Mr. Markle of the

witness was read by the court reporter.)

THE COURT: Day or night?

BY MR. MARKLE:

Q Night, in the early evening hours, midnight hours and early morning hours?

A I wasn't there.

Q And so whatever you took in any of these photographs was from an angle you were told by Mr. Rosen, is that correct?

A Yes, that is correct.

Q And from what he wanted you to depict, he told you what the pictorial scene is you should take?

A No, sir, that's not true.

Q That's not true?

A Mr. Rosen set up the camera angle and the exact position from where it was to be taken. Mr. Rosen did not direct me as to what -- how to compose the picture, or what I should include or not include.

Q I didn't mean that. You misunderstood my question. I am talking about the camera angle.

A Camera angle, yes.

Q He directed you as to where he wanted -- what he wanted on the camera angle?

A Yes, that is true.

Q And you could also again manipulate the angle, what

you saw, by the type of lens you used also, could you not?

A You could foreshorten or -- yes, you could.

Q So that would be a fourth method of manipulation of the film or the picture that's depicted, by a lens?

A That would be another method.

Q And there are other methods?

A (No response.)

Q What lens did you use on this?

A 35 millimeter.

Q And what lens do you normally use with 35 millimeter?

A Normal meaning what?

Q 50 millimeter, 75, what millimeters?

A 35 millimeters.

Q Which is a wide angle, right?

A It's wider than 50, but not as wide as 10.

Q All right. And a conventional lens on your 35 millimeter is what?

A Conventional meaning what?

Q The normal camera that a person would buy at 35, what lens comes with it?

A As far as I know, people buy cameras and lenses according to needs, and I don't know of a conventional lens and camera.

Q You don't know the conventional lens that comes normally with a 35 millimeter?

A (No response.)

Q Isn't a conventional lens, that you would purchase, the average person would purchase, wouldn't it be 35 --

A I don't know what the average person would purchase.

Q In point of fact, the camera comes usually with a 50 millimeter lens?

A What camera?

Q A 35 millimeter camera. That's only the film size, 35 millimeter, is that right?

A 35 millimeter is a measurement.

Q Yes. Of the film?

A Of film, along with other things.

Q And what kind of camera did you have?

A The camera we were using was a Nikkormat.

Q So when you purchased that Nikkormat camera, it came with a 35 millimeter lens?

A I did not purchase the camera.

Q Whose camera was it?

A Carol Lee Gibbs' camera.

Q And you don't know what lens that came with?

A Carol Lee Gibbs is a friend of mine, and I happened

to be present when she purchased the camera. She purchased the body first, and then she purchased the lens entirely separate, and she has several lenses.

Q And a 35 millimeter lens is considered a wide-angle lens, is it?

A Again, I --

Q You would call it a wider angle than 50?

A I would call it wider than 50 and not so wide as 10.

Q So, when we talk about wide angle, it means it takes in more than the -- a wide angle lens takes in more in diameter of the picture?

A Perhaps I could explain it better by saying every lens has an angle and angle perception. In any given angle, certain angle, it takes in everything within that angle, and a 35 millimeter lens takes in more than a 50 millimeter lens does.

Q And more than a hundred millimeter?

A Less than a hundred millimeter.

Q Less than a hundred millimeter and less than 135 millimeter?

A Yes, that is true.

MR. MARKLE: Under those circumstances, your Honor, I'm going to object to this.

THE COURT: This has all been very interesting, but I don't -- I learned a lot.

MR. MARKLE: What I'm saying, your Honor, in essence, is that this picture is an attempt to show from an angle -- at which Mr. Rosen directed him -- a certain picture. And I suppose the comparison is going to be made on all of these to the night of May 19th. It is a posed picture. It is not even, in the least remotely connected with what would have happened, or could have happened that night, and it's merely demonstrable, and I submit it's inadmissible.

THE COURT: Don't you think the jury understands all that? They know, they have heard the testimony here as to what kind of a night it was, back in 1969. They have other pictures here showing the locale.

They know from this young man's testimony here that this was a posed picture, done at the direction of MR. Rosen here. They know all that.

And it seems to me that all that goes to the weight that they want to give this picture, and

whatever is said about it.

MR. MARKLE: What I'm objecting is to --
not that the pictures came in, I let them come in
while knowing this --

THE COURT: The one that's being offered now,
I'm talking about.

MR. MARKLE: What I'm objecting to, your Honor,
is the explanation of what these pictures showed,
of this man. I mean, he took the pictures, they
are in. Why should we have these explanations of
what he saw?

THE COURT: Well, he hasn't offered any
explanation yet. All he's done is describe the
location from where the various pictures were taken,
Exhibits 19 through 24 in the Seale case, and now
this offer of Exhibit 26. He's going to tell what
that shows, I assume.

MR. MARKLE: But this has been explained by a
witness. The picture is in. What's the relevancy
of it, your Honor? He's trying to explain it in a
different way.

THE COURT: Suppose he went out there and took
twenty pictures last night, and came in and offered
them this morning, claiming they were helpful.

Wouldn't they be admissible?

MR. MARKLE: I probably wouldn't object, but he's trying to get the purpose in.

THE COURT: He hasn't asked that yet. I'll take care of that when we get to it.

Right now it's just a picture that he took on the early morning of April 30th. Friday, last Friday.

THE WITNESS: That's correct.

THE COURT: That's all the offer is now.
He's not claiming the car.

Right, Mr. Garry?

MR. GARRY: No, your Honor.

THE COURT: He's not claiming that the car shown in that picture was there on the night of the incident that we are here about.

MR. GARRY: We are trying to simulate --

THE COURT: Wait a minute. You are not claiming that the car shown in that picture --

MR. GARRY: -- is the car that was there that night. We are not claiming that.

THE COURT: You are not claiming that. All right.

MR. MARKLE: No, but your Honor, what they are trying, and what he started to say is, they are trying to simulate the conditions on May 19th. And I submit it's impossible, and it would be improper to allow it in.

THE COURT: Is that what you are going to claim about this picture?

MR. GARRY: I'm claiming, your Honor, that testimony from the State's witness was, that there was an automobile parked directly in front of the archway on the night that he said he was there. We have put

an automobile there, and we have taken a photograph from the place directly in front, in center of 366 Orchard Street, and in order to be able to show this we have taken that picture.

THE COURT: I'll sustain the objection.

MR. GARRY: I'll take an exception.

MISS RORABACK: May an exception be noted for me, too?

THE COURT: Exception may be noted for both.

BY MR. GARRY:

Q And, Mr. Morton, Thursday night, a week ago last night, what was the weather conditions at the time of the evening that you shot these films?

MR. MARKLE: I'm going to object. There's no relevance to this, your Honor. We are into a --

THE COURT: Sustain the objection.

MISS RORABACK: May an exception be noted?

THE COURT: Exception may be noted.

MR. GARRY: I take an exception, your Honor.

THE COURT: Both.

BY MR. GARRY:

Q Mr. Morton -- strike that.

I have no further questions.

MISS RORABACK: Wait.

MR. MARKLE: I have no questions, your Honor.

MR. GARRY: If I don't claim this picture in this car --

THE COURT: If you don't claim the car in the picture?

MR. GARRY: Yes, if I don't claim the car in the picture -- I won't claim it -- and I want to offer this into evidence.

THE COURT: Now, wait a minute. I'm still going to sustain the objection, Mr. Garry, because I think that it would be prejudicial. The jury has heard all the testimony as to what cars were there, and what cars weren't there. They have pictures of the area taken from several different positions, and counsel can make their arguments.

But I think to permit this to go in would be -- since it was, from what you tell me -- actually posed, I think it would be error for me to allow it in. And I'm going to sustain the objection.

MR. GARRY: Let me ask one question of the witness?

THE COURT: Yes, surely.

(Page 2798 follows; no omission.)

BY MR. GARRY:

Q From where, in shooting from a position where the automobile would be located directly in front of 366 Orchard Street can you see the door of the premises at 365 Orchard Street, the door near the steps there?

A No.

MR. MARKLE: Objection.

THE COURT: Wait a minute, wait a minute.

MR. MARKLE: I object. We don't even know where he's located. He can't see the door from any place.

MR. GARRY: I tried to show him where he was located.

MR. MARKLE: Well, I object.

THE COURT: Wait a minute, wait a minute. Now, the answer came in before you got your objection in, and I'll let it stand. I don't think it brings much, from the way the question was put, but I'll let the answer stand.

BY MR. GARRY:

Q Assuming that there was an automobile parked directly in front of 366 Orchard Street, and shooting from an angle where the driver would be sitting, shooting straight out into the archway, can you see the front door of 365 Orchard

Street?

A No.

MR. MARKLE: Objection.

THE COURT: Sustained.

Now, young man, he has a right to make objections. Don't shoot those answers out until he has a chance to make his objection. Do you understand?

THE WITNESS: Yes, sir.

THE COURT: All right. I sustained the objection, and order the answer stricken.

MR. GARRY: I have no further questions.

MR. MARKLE: No questions.

MR. GARRY: And I take an exception to that.

THE COURT: Exception may be noted.

MR. MARKLE: I have no questions.

THE COURT: No questions.

Miss Roraback?

MISS RORABACK: No.

THE COURT: You may step down, sir.

(The witness was excused.)

MR. GARRY: May I approach the bench, your Honor?

THE COURT: Certainly. Counsel?

(Whereupon, all counsel at the Bench, discussion out of the hearing of the jury.)

MR. GARRY: May I take an exception to that, your Honor.

THE COURT: Exception. He didn't get anything down, I'll take care of it.

MR. GARRY: As I told your Honor this morning, we have no other witnesses right now that are available.

THE COURT: And that goes for you, too, Miss Roraback?

MISS RORABACK: Yes, your Honor.

THE COURT: Well, I hinted to you yesterday that I thought you'd get out early today. I didn't quite think it would be this early. But I understand the problems that counsel have.

Well, in any event, there are no other witnesses today, so you may be excused until next Tuesday at 10:00 o'clock.

I'll repeat briefly what I have said so many times to you. Stay away from news broadcasts on either radio or television, stay away from any news stories in the papers or periodicals or magazines of any kind and, of course, no conversations with anyone about either this case or any related case, or any of the people involved here, or any of the officials

of the Black Panther Party.

And, of course, remember, you'll hear some more evidence next Tuesday, so we forget all about it until next Tuesday. It looks like we're going to have some good weather finally. I hope you all enjoy it. I know I'm going to try to. So you're excused. Have a pleasant weekend.

Now, anyone that would care to go to lunch with the Sheriffs -- too early? Well, there's nothing for you. But I don't think you'll complain. So you're excused ladies and gentlemen.

(The jury was excused at 10:50 A.M.)

MISS RORABACK: Your Honor, may I approach the bench?

THE COURT: Surely.

(Whereupon, Miss Roraback approached the bench. Discussion off the record.)

THE COURT: All right. Now, for the record, Mr. Garry, you have a motion you wanted to make?

MR. GARRY: Oh, yes. I wanted to make an examination, to take the jury out to the scene and at approximately 11:20 at night, so that the jury would be able to see it under the same condition as it was depicted on that particular night. That's why we took films at that particular time.

THE COURT: All right. And as I understand it -- you're joining in that motion, Miss Roraback, for the record?

MISS RORABACK: Yes, your Honor.

THE COURT: -- as I understand it, Mr. Markle, you have no objections to the jury being taken out there as long as it's sometime during the daytime, but you do object to going out at 11:00-12:00 o'clock at night?

MR. MARKLE: Yes, sir.

THE COURT: I'll deny your motion.

MR. GARRY: Exception.

MISS RORABACK: Exception.

THE COURT: Exception for both parties.

And now we will prepare to recess for the day.

And, counsel, I'll confirm that other arrangement in a moment.

(Whereupon, discussion between the Court and the Sheriff out of the hearing of the court reporter.)

THE COURT: All right. Counsel, that's all set.

(Whereupon, at 10:55 A. M., court adjourned until Tuesday, May 11th, 1971 at 10:00 o'clock.)

W I T N E S S E SNameDirectCrossRedirectRecross

JOSHUA DILL NORTON
(By Mr. Garry)

2772

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
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(DEFENDANT SEALE'S EXHIBIT)

26	Photograph of Vicinity of 365 Orchard Street	2781	
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(DEFENDANT HUGGINS' EXHIBIT)

20	Photograph of Vicinity of 365 Orchard Street	2781	
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VOLUME NO. 24

NO. 15681
STATE OF CONNECTICUT
vs.
ERICKA HUGGINS
: :
: : SUPERIOR COURT
: :
: : NEW HAVEN COUNTY
: :
: : MAY 11, 1971

NO. 15844
STATE OF CONNECTICUT
vs.
BOBBY G. SEALE
: :
: : SUPERIOR COURT
: :
: : NEW HAVEN COUNTY
: :
: : MAY 11, 1971

B e f o r e: HON. HAROLD M. MULVEY, Judge
& Jury (12)

A p p e a r a n c e s:

ARNOLD MARKLE
State's Attorney, New Haven County
121 Elm Street
New Haven, Connecticut

CATHERINE G. RORABACK
129 Church Street
New Haven, Connecticut
Representing the defendant
Ericka Huggins

CHARLES R. GARRY, ESQ.
341 Market Street
San Francisco, California
- and -

DAVID ROSEN, ESQ.
865 Chapel Street
New Haven, Connecticut
Representing the defendant
Bobby G. Seale

COURT REPORTERS:
Arthur E. Moan, Jr.
Walter Rochow
David Tilewick

M O R N I N G S E S S I O N

Excluded
Monday, May 11, 1971

(The court opened at 10:05 A.M.)

THE COURT: All set, counsel.

Call the jury.

(The jury entered the courtroom at 10:06 A.M.)

THE COURT: Good morning, ladies and gentlemen.

All right, Miss Roraback.

MISS RORABACK: Thank you.

Mrs. Huggins.

(M R S.) E R I C K A

H U G G I N S,

of Niantic State Prison for Women, Niantic, Connecticut,
having been called as a witness by the defense,
was duly sworn and testified as follows:

DIRECT EXAMINATION BY MISS RORABACK:

Q Mrs. Huggins, you are the defendant in this case,
is that correct?

A Yes, I am..

Q When and where were you born?

A In Washington, D.C., January 5, 1948.

Q And where did you grow up?

A In southeast Washington.

Q Southeast Washington?

A Yes.

Q Can you keep your voice up a little louder, please.
And what sort of neighborhood was it, Mrs. Huggins?

MR. MARKLE: I object to this, if the Court
please.

I don't know the relevance of this and May of
1969, where she grew up.

THE COURT: What is your claim, Miss Roraback?

MISS RORABACK: I think that I have a right to
bring out Mrs. Huggins' background and some of her

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history, and I will claim it, your Honor.

THE COURT: Well, --

MISS RORABACK: Who she is and where she came from is highly relevant, and I think is accepted in any court --

THE COURT: Well, go ahead.

I will overrule the objection.

MR. MARKLE: May I have an exception, your Honor?

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q What kind of neighborhood was it, Mrs. Huggins?

THE COURT: At what age?

You don't expect her to remember from age one, do you?

BY MISS RORABACK:

Q How long did you live in that neighborhood?

A Up until I was seventeen and a half.

Q And does your family still live there?

A Yes.

Q And can you tell me what sort of neighborhood it was?

A Well, it was, I guess you could say, a normal working class black family, but that's kind of hard to explain, because we lived not too far from --

MR. MARKLE: I'm going to object, if the Court

please, because she answered it.

THE COURT: Overrule the objection.

MR. MARKLE: May I have an exception?

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q Go ahead.

A We lived not too far from various housing projects in which people who, you know, had an income much less than my parents lived, you know, so basically it was a poor community, you know, because it was all black people.

Q And were there any whites at all who lived in that neighborhood?

A No.

Q And did you go to school in that neighborhood?

A In the general area, yes.

Q Now, which schools did you go to, Mrs. Huggins?

A Well, I went to Richardson Elementary School and Kelly Miller Junior High School and McKinley High School.

Q And was McKinley High School in the same area?

A No. It was located in northwest Washington.

Q Was that a rather different area of the city from the southeast area?

A Yes.

Q And as you grew up, Mrs. Huggins, did you do any -- did you belong to any organizations or take part in any activities?

A I always belonged to a lot of organizations. I can't really remember the names, but like they were affiliated with schools.

Q And when you were in high school, did you work at all?

A Yes, with the Recreation Department.

Q And what sort of work did you do?

A It was work in the community center, which was about two blocks from my house.

Q And with whom were you working in that community center?

A With small children; you know, small black children that lived in the housing project.

Q Now, as a result of those experiences, did you make

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any decisions as to what you wanted to do after you got out of high school?

A I definitely did. The working with the children, the poor children whose mothers and fathers, you know, were never home, and, you know, like they really didn't benefit from the schooling they were getting, it so depressed me, it made me want to do something for the children, and I came across a lot of children who were --

MR. MARKLE: I'm going to object, if the Court please.

Now, this question was answered, whether she made a decision.

THE COURT: How long are you going on this?

MISS RORABACK: What?

THE COURT: How long are you going to pursue this area?

MISS RORABACK: I certainly have to go through what she did as a result of that decision, your Honor, but I think that it's background to that.

THE COURT: I will sustain the objection.

MISS RORABACK: Exception be noted.

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q Well, as a result of these experiences,

Mrs. Huggins, where did you go when you graduated from high school?

A I went to Cheyney State Teachers College.

Q And where was that?

A In Cheyney, Pennsylvania. It's outside of Philadelphia.

Q And what sort of training did you start to take there?

A Well, I wanted to get into special education. I wanted to teach retarded and birth-defective children.

Q And did you stay there at Cheyney?

A No, I didn't.

Q And where did you go?

A To Lincoln University in Lincoln, Pennsylvania; Lincoln University, Lincoln, Pennsylvania.

Q And was that near where Cheyney had been?

A It wasn't too far away.

Q And did you pursue your studies there?

A Yes.

Q Now, Mrs. Huggins, while you were at Lincoln, did you become involved in student activities there?

A I was a member of a writers club there, a drama club, and I also belonged to the Black Student Congress.

Q And, incidentally when did you go to Lincoln?

A When did I go?

Q Yes.

A It was the fall of '66 -- it must have been.

Q And did there come a time when you met John Huggins?

A Yes.

Q And when was that?

A I believe it was in February, '67.

Q And, thereafter, did there come a time when eventually you left Lincoln?

A That next fall.

Q What month, do you remember, when you left?

A It was November.

Q And why did you leave, Mrs. Huggins?

A Because John and I felt that what we were doing as students at Lincoln was not benefiting the people who were starving and struggling in America, and that's what we wanted to do, and, as students, we couldn't do anything that we felt was valid.

Q And where did you go from Lincoln?

A We stayed in New York for a little while, and went to California.

Q Now, whereabouts in California did you go, Mrs. Huggins?

A Well, first to a small place outside of Los Angeles, Venice.

Q Venice?

A Uh-huh.

Q And while you were living in Venice -- did there come a time when you became involved with the Black Panther Party?

A Well, shortly after we left Venice and moved into -- I guess you'd call it Los Angeles proper. We were working. And one day John came home and said that --

MR. MARKLE: I'm going to object to this. The question was, did she join the Black Panther Party, and when? And we get a dissertation. Can she be instructed to answer the question?

THE COURT: Do you want the question read, Mrs. Huggins?

THE WITNESS: No. No. Okay.

A Yes.

THE COURT: Answer the question. Your counsel

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will bring out whatever she wants to.

BY MISS RORABACK:

Q Well, do you know approximately when it was you first went to a Black Panther Party meeting?

A It was near the end of February.

Q Is that 1968?

A Yes.

Q And where was that meeting, if you remember?

A In the Black Congress Building in Los Angeles, in Watts.

Q Watts?

A Yes.

Q Is that an area of Los Angeles?

A Yes.

Q And what occurred at that meeting?

MR. MARKLE: I'm going to object to that.

THE COURT: Sustained.

MISS RORABACK: Exception be noted?

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q Approximately how long after that did you actually join the Black Panther Party, Mrs. Huggins?

A About the next day.

Q And why did you join it?

MR. MARKLE: I'm going to object to it.

THE COURT: Sustained.

MISS RORABACK: Exception, your Honor.

THE COURT: Exception may be noted.

BY MISS RORABACK:

Q Now, after you joined the Black Panther Party, Mrs. Huggins -- you said you had been working, where were you working, incidentally?

A It was a factory. I think it was called "Auto-Rite." I soldered pieces together for tachometers for cars.

Q And after you joined the Party, did you continue to work there?

A Yes, for a while.

Q And after you joined the Party, what sorts of activities did you engage in in the Black Panther Party?

MR. MARKLE: I'm going to object to that, if the Court please.

MISS RORABACK: This is highly relevant.

THE COURT: What's your claim, Miss Roraback?

MISS RORABACK: I'm claiming that what goes on in the Black Panther Party nationally, and just day to day activity, is highly relevant to what happened in New Haven, the background of her experience, what happened here in New Haven in May of 1969.

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THE COURT: Well, I'll let you go on a little bit.

MR. MARKLE: May I have an exception?

THE COURT: Exception noted.

MISS RORABACK: May the question be read?

THE COURT: Read it, Mr. Reporter.

(The last question by Miss Roraback of the witness was read by the court reporter.)

A Well, selling newspapers; generally doing things in the community like, you know, answering questions that people had who came into the office. And explaining things that people didn't understand about, maybe, being arrested, for instance: what they should do or shouldn't do. But, I think, mostly I just talked to people in the community about the problems they had, you know.

BY MISS RORABACK:

Q Now, was your husband, John, also engaged in these activities?

A Yes.

Q Now, Mrs. Huggins, this Party that you became active in, was that a branch or a chapter, or what, of the Black Panther Party?

A It was the Southern California Chapter of the Black Panther Party.

Q And roughly, what area did that cover, if you remember, of Southern California?

A I can't really tell you where it began, you know. But it was, you know, anywhere from above Los Angeles down to San Diego.

Q And, incidentally, for those members of the jury who are not acquainted with California, is the Los Angeles area some substantial distance from the San Francisco area?

A Yes.

Q And this Chapter of the Black Panther Party, was it relatively autonomous from the San Francisco area, in terms of activity?

A I don't know if "autonomous" is the right word. But it, you know, it functioned as its own Chapter, yes.

Q And did there come a time -- well, question withdrawn.

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Within the Chapter, were there sort of sub-groups, Mrs. Huggins?

A There were branches, yes.

Q "Branches." And was there some specific branch that you were particularly active with?

A The Los Angeles branch, yes.

Q And that's a separate branch within the Southern California Chapter, is that right?

A Yes.

Q Now, did there come a time, Mrs. Huggins, when you were given some sort of a title in the Southern, either the Southern California Chapter or the Los Angeles branch?

A Communications Secretary.

Q And was that of the Chapter or of the Branch?

A Well, that was of the Chapter.

Q And as "Communications Secretary," what sorts of chores did you have, Mrs. Huggins?

A Well, it was everything, you know, that, you know, was part of doing office work. And basically what it was was to see to it that each branch of the Chapter was well aware of the things happening within the Chapter, you know.

Q And what, did your husband hold any position in the Southern California Chapter?

A Yes, he was Deputy Minister of Information.

Q And what does that mean in terms of what his functions were?

A Well, it meant that he was more or less in charge of disseminating information throughout the Chapter, in terms of what our philosophies were. And if there were, if someone wanted someone to come and speak at a speaking engagement, then usually he went, you know.

Q These are speaking engagements to groups other than the Black Panther Party?

A Yes.

Q Now, during this period -- I'm talking about after you joined the Black Panther Party -- did there come a time when you moved into a sort of a house with a number of people?

A Yes.

Q And approximately when was that, if you remember?

A It was sometime in the fall.

Q Of 1968?

A 1968.

Q By the way, Mrs. Huggins, at that time were you pregnant?

A Yes.

Q And eventually, you did have a child born, is that correct?

A Yes.

Q And when was she born?

A December 27th.

Q 1968?

A Yes.

Q And it was a girl?

A Yes.

Q Now, during this period of time, Mrs. Huggins, prior to January of 1969, had you ever been to the San Francisco area?

A Maybe once or twice.

Q And did you go to the National Office of the Black Panther Party when you went to the San Francisco area?

A The San Francisco area has different, you know, offices, than the National Office, you know, location.

Q Well, there is a National Office, and there's also, what is it, a Northern California Chapter of the Black Panther Party?

A There are a lot of branches within northern California, but at the time that I was in California, the office, the National Office, if you want to call it that, was in Oakland.

Q Yes. And that's across the Bay from San Francisco, is that right?

A Right.

Q And did you go to that office in Oakland?

A Yes.

Q Now, Mrs. Higgins, did you ever hold any office in the National Organization of the Black Panther Party?

A No, I didn't.

(Page 2824 follows - no omission)

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BY MISS RORABACK:

Q Directing your attention to January of 1969, after the birth of your baby, can you tell me what happened on January 17, 1969?

A Well, I can remember John and some of the other people in the house getting ready to go to the campus at UCLA.

Q And did there come a time when they left?

A When they left the house?

Q Yes.

A Yes.

Q And after that time, what did you, yourself, do, Mrs. Huggins?

A When they left, I was sort of half asleep, and after they left I got up and sort of straightened up the house and gave Mai, my little girl, a bath.

Q Later that day, did you receive a telephone call?

A Yes.

Q Do you remember what was said to you?

A That two brothers at UCLA had been shot.

Q Did they say who had been shot?

A No.

Q And after that, what next happened, Mrs. Huggins?

A After the phone call?

Q Yes.

A Nothing, because no one was there with me, so nothing really happened.

Q Did some of the people return to the house at some point?

A Maybe a couple of hours later, yes.

Q Did that group include Elaine Brown, who testified here the other day?

A Yes.

Q When they returned to the house, what happened?

A Well, I'd have to say that I knew before they got there what had happened, I felt it, anyway, and when they came in I looked at one of them, I don't remember which one -- there were about six of them -- and I said, "Are John and Bunchy," who is Alprentis Carter -- "Are John and Bunchy dead?" They didn't answer me because they didn't want me to know, and I sort of looked from face to face, then one of the brothers said yes.

Q Now, after that, Mrs. Huggins, did you prepare to leave the house?

A Yes, we sort of packed, you know. We were packing Mai's things away, like her bassinet and blanket, that sort of thing.

Q What happened at that time?

MR. MARKLE: I will object to this, if the

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Court please.

Your Honor ruled on it previously. I don't see the relevancy of this at all.

THE COURT: There really isn't any, but I will overrule the objection.

MR. MARKLE: May I have an exception?

THE COURT: Exception.

BY MISS RORABACK:

Q What happened next?

A I can remember going out and hanging up some diapers and then coming back in and sitting down for a couple of minutes, and then I heard the police outside of the house.

Q You say you heard the police. What was said?

MR. MARKLE: I will object to this, if the Court please. I don't know where the relevance is.

THE COURT: What is the question?

MISS RORABACK: I said, "What was said?"

THE COURT: "What was said?"

MISS RORABACK: Yes.

THE COURT: I thought she said she heard police outside.

MISS RORABACK: And I said, what did she hear.

THE COURT: I will sustain the objection.

BY MISS RORABACK:

Q Did you look out the windows, Mrs. Huggins?

A I most certainly did not.

Q Had you had any instructions from the police?

MR. MARKLE: I will object to this, your Honor.

MISS RORABACK: I claim it.

THE COURT: Sustained.

Take your exception.

MISS RORABACK: Exception, your Honor.

BY MISS RORABACK:

Q Did the police come in the house?

MR. MARKLE: Objection.

THE COURT: Overruled.

A Not at that point.

Q Did they eventually come into the house?

A Yes, they did.

Q And, at that time, approximately how many police entered the house?

MR. MARKLE: I am going to object, if your Honor please.

MISS RORABACK: Your Honor, may I be heard on this.

It is highly relevant to what happened here and the state of mind of my client.

THE COURT: You want to be heard in the absence

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of the jury, Miss Roraback?

MISS RORABACK: Yes.

THE COURT: You are excused, ladies and gentlemen.

(The jury was excused at 10:36 A.M.)

(Page 2829 follows; no omission.)

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THE COURT: Yes, Miss Roraback.

MISS RORABACK: If your Honor please, I think that Mrs. Huggins' experience with the Los Angeles Police Department and her subsequent experiences with the New Haven Police Department are highly relevant to what her reactions were in that weekend of May 17th through the 21st, and to cut me off and not be able to describe what occurred in that house is highly unfair and prejudicial to my case.

The whole question of what Mrs. Huggins did or did not do in that period in May relates back to this very experience, and I claim it.

THE COURT: Take your exception. I will adhere to my ruling.

The fact of whatever happened there, you can go into that, but none of the details. The fact that she was arrested there -- I'm not certain of that --

MISS RORABACK: Thather baby was searched there, I'm going to ask it. That's highly relevant.

THE COURT: I am ruling on that question. You are not to ask whether the baby was searched in Los Angeles, California, on January 17, 1969.

Do not ask that question.

Take your exception now.

All right. Are we clear?

MISS RORABACK: I think that is highly unfair, your Honor.

THE COURT: Miss Roraback, I just ruled. Take your exception.

What I am indicating to you is do not ask that in front of the jury. I am ruling on that question right now.

All right?

Call the jury.

(The jury entered the courtroom at 10:40 A. M.) ✓

MISS RORABACK: Might the last question be read, your Honor, so I can get the train.

THE COURT: Can you find that one before the jury was excused, please.

(The last question by Miss Roraback was read by the court reporter.)

THE COURT: There was an objection, and I sustained the objection.

BY MISS RORABACK:

Q What happened next, Mrs. Huggins?

MR. MARKLE: I am going to object, if the Court

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please.

THE COURT: I don't think you better phrase it that way.

Ask her what she didnext.

BY MISS RORABACK:

Q What did you do next, Mrs. Huggins?

A I got up off the floor.

Q What further happened?

MR. MARKLE: If your Honor please, I am going to object to the whole line of questioning.

THE COURT: I thought I explained, Miss Roraback, what I would permit and what I wouldn't permit.

MISS RORABACK: My problem is that I am not supposed to ask leading questions, but I don't know how to quite cover this area without --

THE COURT: The difficulty is that I am not going to allow you to cover the area in the manner in which you are attempting to. I thought I had explained that.

BY MISS RORABACK:

Q Incidentally, Mrs. Huggins, this house that you were in, this house that you were living in there in Los Angeles, Mrs. Huggins, at which this incident occurred, was the entrance on the living room floor or down on the basement floor?

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A There was one on each floor.

Q And were you and the others eventually taken out of that house?

A Yes.

Q And which doorway did you go out, Mrs. Huggins?

A We walked down the inside steps to the bottom floor.

Q And were you then taken to a precinct station of the Los Angeles Police Department?

A Yes.

Q At the precinct station of the Los Angeles Police Department, were you arrested on any charge?

A Yes.

Q What charge was placed against you, Mrs. Huggins?

A Conspiracy with the intent to commit murder.

Q How long did you remain at the precinct station?

A Five hours.

Q And, thereafter, where were you taken?

A First, Central Receiving Hospital just for a checkup, and then to Sybil Brand Institution, which is a women's prison.

Q Did there come a time when you were bonded out?

A Yes.

Q And who came to do that?

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A I didn't hear you.

Q Who came to do that?

A My brother-in-law.

Q This is John Huggins' brother?

A I didn't hear you.

Q Is this John Huggins' brother, you mean?

A No, it's his sister's husband.

Q And he came and bonded you out?

A Yes.

Q And what happened to that charge, Mrs. Huggins?

A It was dropped.

Q Now, after you were bonded out, where did you go next?

A I believe that we went and picked up my little girl.

Q Incidentally, when was she actually taken from you,

Mrs. Huggins?

MR. MARKLE: I will object to that, if the Court please.

THE COURT: I will overrule it.

MR. MARKLE: Can I have an exception.

THE COURT: Exception noted.

THE WITNESS: About three and a half hours after we had been at the police precinct station.

BY MISS BORABACK:

Q And this was when she was approximately three weeks

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old, is that correct?

A Yes.

(Page 2835 follows - no objection.)

BY MISS RORABACK:

Q And after you picked up your little girl, what did you do next, if you remember?

A Well, I can remember trying to go to sleep.

Q Mr. Walker had taken you somewhere so that you could sleep?

A Yes, to a friend's house.

Q And, eventually, did you return to New Haven?

A Yes.

Q And how did you come back?

A On a train.

Q And just Mr. Walker, your little girl and you?

A I didn't hear you.

Q Mr. Walker, your little girl and you?

A Yes.

Q And you came to New Haven?

A Yes.

Q Now, Mrs. Huggins, after you arrived in New Haven, where did you stay?

A At my mother-in-law's house.

Q That's Mrs. Huggins, who testified here the other day?

A Yes.

Q And after you arrived here, did you have John's

funeral?

A Yes.

Q And where was that, Mrs. Huggins?

A Where was it held?

Q Yes.

A At St. Luke's Church.

Q And was he buried here in New Haven?

A I guess it's considered New Haven. It probably is Hamden.

Q Now, Mrs. Huggins, did there come a time -- question withdrawn.

After you lived in New Haven, began to live in New Haven, did you begin to get involved in any organizations?

A I don't understand your question.

Q Well, what did you do; you know, how did you occupy your time when you were first here?

A Basically, I just took care of Mai, you know, and thought occupied the rest of my time.

Q And was there a time when you went down to Washington, D.C.?

A Yes.

Q And how long were you down there, if you remember?

A For about three days; over a weekend.

Q And, eventually, did you receive any phone calls con-

cerning possible formation of a Black Panther Party in Connecticut?

A Yes.

Q And what were those phone calls?

A Well, I was just told that two people were coming from California to start working with the people in the community -- communities in Connecticut, and they would be working in Bridgeport.

Q And did they say who those persons were?

A Yes.

Q Who were they?

A Jose Gonzalves and Lonnie McLucas.

Q And were you asked to do anything?

A Just to help them as much as I could.

Q And, thereafter, did you hear from either Mr. Gonzalves or Mr. McLucas?

A Jose Gonzalves called me, yes.

Q And what did you begin to do after that?

A Shortly after, I began to go to Bridgeport on -- well, one night a week, and sort of led political discussions, you know, and sort of talked to people about the ideology of the Black Panther Party.

Q Now, did there come a time when the Black Panther Party began to have some activities in New Haven?

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A In the early part of March.

Q How did that come about, if you remember?

A I can remember that a lot of people wanted to see the Black Panther Party working in New Haven, and I believe first Lonnie came down to New Haven and talked to some people, and after a while, Jose Gonzalves, on his own, just moved everybody from Bridgeport to New Haven.

Q When you say you believe Lonnie McLucas came down to New Haven and spoke to some people, were you present when that happened?

A When he came to New Haven, was I present?

Q What?

A I didn't quite understand what you were asking.

Q Were you present when he came down to talk to people about forming a New Haven group?

A No, because I wasn't doing very much more than, you know, teaching PE classes; political education.

MR. GARRY: May I have the question and answer read back, your Honor.

THE COURT: It may be read.

(The last question by Miss Roraback of the witness, and the answer of the witness, were read by the court reporter.)

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BY MISS RORABACK:

Q Now, after Mr. Gonzalves brought this group from Bridgeport and began activities in New Haven, you know where the office was? Did you have an office?

A Yes. We shared an office with a community group called the Hill Parents Association.

Q And where was that?

A On Putnam Street.

Q And did there come a time when you had to move from the Putnam Street office?

A Yes.

Q And you remember approximately when that was?

A I'd say in the beginning of April.

Q And what happened at the beginning of April, Mrs. Huggins; why did you have to move the office?

A Because the Redevelopment Agency decided they didn't want us there.

Q Did they own that building?

A I believe that they did, yes.

Q Now, at this point, Mrs. Huggins, who was active in the New Haven group?

A Lonnie, Peggy Hudgins, Frances Carter, Rose Smith, Warren Kimbro, George Edwards, and at the time there was some other people, too, but I don't know whether I remember their

names.

Q Was Jose Gonzalves still there?

A Yes.

Q Now, was there any conversation about where you would move when you had to move out of this Putnam Street office?

MR. MARKLE: I'm going to object to this conversation, unless --

MISS RORABACK: "Yes" or "No," and then I can ask who was involved, your Honor.

THE COURT: It may be answered "Yes" or "No."

THE WITNESS: Yes.

BY MISS RORABACK:

Q And who participated in that conversation, if you remember, Mrs. Huggins?

A Well, just about everybody there, because we didn't know where to go.

Q And did anyone make any suggestions about what you should do?

A Well, Warren Kimbro volunteered that -- volunteered his house be used as an office.

Q And was this the house, Apartment No. 13, at 365 Orchard Street?

A Yes, it was.

Q Did you then move over to -- move the office over there to Orchard Street?

A Not right away, but a short while afterwards, yes.

Q Now, Mrs. Huggins, can you say just what your general activities were with the Black Panther Party here in New Haven, say in April and May of 1969?

A Basically, just teaching political education classes. Sometimes people would ask me to come to places and speak about the Black Panther Party; church groups, neighborhood groups.

Q And did you have any title at all?

A No, not really.

Q You heard some people describe you as the Political Education instructor. Was this a formal position you held?

A Was it formal?

Q Yes.

A No.

Q And did you have to have any special training, Mrs. Huggins, to conduct these political education classes?

A Well, I would think that you would have to know what the Black Panther Party was all about, but you didn't have to, you know, have special training or a special title or something, no, because everybody was taught the same thing.

Q And was there anybody else who was conducting

political education classes in New Haven in, say, April and May of '69?

A If I had something else to do, there were other people who did it, yes.

Q Now, during this period when you had this group in New Haven, Mrs. Huggins, were there any other Black Panther groups in Connecticut?

A Between April and May?

Q Yes.

A There were some people working in Hartford, and one or two people in Bridgeport, but there really was no, you know, branch that really existed. We tried to form a Hartford branch, but it didn't work out too well.

end tk.

(Page 2843 follows; no omission.)



Q And was there an actual Chapter in New Haven, Mrs. Huggins?

A I would say it was a Chapter, yes.

Q And was there something called a "Central Staff?"

A Yes.

Q And what is a "Central Staff" as far as the Black Panther Party is concerned?

A Well, within each Chapter, there's a group of people who would work together, to coordinate things, collectively work together, you know.

Q And who was on the Central Staff in New Haven, I'm now talking about May, April and May of 1969?

A Warren Kimbro, George Edwards, Frances Carter, Lonnie McLucas, and myself; I think that was about all.

Q Was Jose Gonsalves on that?

A Oh, I thought I mentioned him. Yes, he was.

Q Now, did there -- question withdrawn, I'm sorry.

What sort of activities did you, yourself, engage in in the New Haven community in that period?

A The same kinds of things, Political Education Classes, community meetings, trying to, we were trying to at that time set up a breakfast program at one of the churches. And I'd talk to clergy in the area, and I sort of taught some of the children at the Children's School.

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Q Was the Children's School affiliated with the Black Panther Party?

A No, not really, no. We had the same goals in mind. We both wanted freedom. But they weren't affiliated with the Black Panther Party, no.

Q And what age were those children that you were talking about?

A They were from about four to about thirteen, I guess.

Q Now, Mrs. Huggins, did there come a time in May of 1969 -- question withdrawn, I'm sorry.

In the course of your participation in the Black Panther Party, both in Los Angeles and in, and here in New Haven, did you have occasion to witness any discipline of Party members?

A Yes.

Q And what did discipline ordinarily mean to you, Mrs. Huggins, with regard to the Black Panther Party?

A No more than having to sell extra newspapers, doing pushups, maybe. It depended.

Q Did you ever see any physical discipline administered prior to the weekend of May 17th, 1969?

A What do you mean by "physical discipline"?

Q Did you ever see any official of the Black Panther

Party hit another, hit a member of the Black Panther Party as a form of discipline?

A Not really.

Q What would discipline ordinarily be given for, Mrs. Huggins?

A I guess it would all fall under the category of just not doing what that particular person knew to be the correct thing to do, you know, as a person who, who wished to serve the people.

Q And while you were active in the Black Panther Party here in New Haven, prior to May 17th of 1969, were there any expulsions of persons from that Chapter?

A Yes, there were.

Q And how was that expulsion handled?

A Well, the Central Staff had a meeting, and, like the problem with that particular person was discussed. And the person was brought to the, you know, to the meeting and told the reason, told why he was going to be expelled. And that person was expelled.

Q Now, did that occur with someone named Adrian Day?

A Yes.

Q And why was he expelled, Mrs. Huggins?

A A number of reasons. But the main reason being that he was very arrogant, and he didn't know how to talk to anyone. And he threatened people constantly and, therefore, people were threatening him. And it was, it was bad because he was giving people the wrong impression of the Black Panther Party.

Q Was he also accused of lying?

A Yes.

Q And, incidentally, where you had this Central Staff meeting with regard to Adrian Day, was he present?

A Yes.

Q And was he given an opportunity to try to explain himself?

A He was, yes.

Q And he was expelled, is that right?

A Yes.

Q Now, did there come a time when Jose Gonsalves was expelled?

A Yes.

Q And why was he expelled, Mrs. Huggins?

A He was extremely abusive to people, especially woman. And he also took money. And he liked to sleep more than he liked to do anything else. That was another problem.

Q Was he also accused of lying, too, Mrs. Huggins?

A Yes.

Q And was he expelled in the early part of May of '69, Mrs. Huggins?

MR. MARKLE: I'm going to object, if the Court please. Now, I've let it go pretty far with leading.

THE COURT: It is leading.

All you have to do is to ask.

BY MISS BORADACK:

Q Approximately when was he expelled, Mrs. Huggins?

A In the beginning of May.

Q And, incidentally, that meeting at which he was expelled, was that held at Orchard Street?

A Yes, it was.

Q And do you know where Jose Gonsalves went after that?

A Next door.

Q And did he stay next door for a while?

A Yes.

Q And later on, do you know whether he went somewhere?

A He went to North Carolina.

Q And did you have occasion to hear from him at one point?

A He called.

Q And do you know roughly when that was?

A The middle part of May.

Q Now, turning your attention, Mrs. Huggins, to the middle of May, did there come a time when you heard from someone named Landon Williams?

THE COURT: I'm just wondering, Miss Roraback, is this a good point to break off? It sounds as if you are going into another area.

MISS RORABACK: Yes.

THE COURT: I think we will take our morning recess now.

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It's a little earlier, but I think for continuity purposes, we better do it now.

We will have our morning recess.

(Whereupon, at 11:15 A. M., a short recess was held.)

(Page 2850 follows - no omission)

(The court reconvened at 11:42 A.M.)

THE COURT: All set, counsel?

Call the jury.

(The jury entered the courtroom at 11:42 A.M.)

THE COURT: All right, ladies and gentlemen.

MISS RORABACK: Could the last question be read, your Honor?

THE COURT: All right.

(The last question by Miss Roraback was read by the court reporter.)

A Yes.

BY MISS RORABACK:

Q When and where was that?

A Warren Kimbro brought him to Hurlburt Street where I was staying.

Q Incidentally, Mrs. Huggins, do you know approximately when you had moved to Hurlburt Street?

A It must have been towards the end of April.

Q Who was there with you at Hurlburt Street?

A Peggy Hudgins and Lonnie McLucas and Peggy's two children and Mai.

Q What happened when Landon Williams came to Hurlburt Street?

A Well, we just talked for a while.

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MR. MARKLE: I didn't hear that answer.

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q Had you met Landon Williams before, Mrs. Huggins?

A Yes.

Q Where was that?

A In Oakland, when I had gone up to the Free Huey Demonstration.

MR. MARKLE: I'm sorry, your Honor --

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q When was that, approximately, if you know?

A In the summer of 1968.

Q Was there anybody else there besides Landon Williams and Warren Kimbro?

A Peggy was asleep and Lonnie was there --

MR. MARKLE: I'm sorry, your Honor.

THE COURT: It may be read.

I don't think it's completed, but read what you have, Mr. Reporter.

(The answer of the witness was read by the court reporter.)

A And George Sams was there.

Q Now, had George Sams been in New Haven prior to that time?

A Not that I know of.

Q And what happened after that, after they had been to your house at Hurlburt Street?

A They left.

Q Now, later on, did you have occasion to see either Landon Williams or George Sams again?

A Yes.

Q When was that, approximately, if you know?

A Well, it must have been sometime the next day.

Q And what happened then, Mrs. Huggins?

A I think that one of the two of them mentioned to me that they were going to New York and that they were going to meet somebody there.

Q And was that person supposed to have anything to do with New Haven?

A Well, I had mentioned to Landon that we were, you know, going to have a retreat and that we needed some help, you know, because we were very short on people, and so he mentioned that, well, maybe somebody could come back up to New

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Haven and help us.

Q Thereafter, did someone come up from New York to help you?

A Yes.

Q Who was that?

A Rory.

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(Page 2854 follows; no omission.)

BY MISS RORABACK:

Q Now, did he come to New Haven, Mrs. Huggins?
I'm talking about Rory now.

A Well, he rode back from New York with Warren Kimbro and I.

Q And, Mrs. Huggins, when you picked up Rory Hithe in New York, did you see any evidence of a gun?

A I don't -- no, I don't remember seeing a gun.

MISS RORABACK: I'm sorry, could that be read, your Honor?

THE COURT: It may be read.

(The last question by Miss Roraback of the witness, and the answer of the witness, was read by the court reporter.)

BY MISS RORABACK:

Q Now, turning your attention, Mrs. Huggins, to the morning of May 17th, Saturday, at that time, what happened, as best you remember?

THE COURT: We are talking about 1969?

MISS RORABACK: I'm sorry, your Honor, yes.

THE COURT: Just for the record.

MISS RORABACK: Thank you, your Honor.

THE WITNESS: Well, I got up and got ready to go to Orchard Street, and from there to one of the

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classrooms at Yale where we were going to hold a -- a large Political Education Class. We called it a retreat.

BY MISS RORABACK:

Q And who conducted that class?

A Rory Hithe and I.

Q And do you remember what was discussed there, or what you talked about?

A Yes, I do.

Q What was that?

A The Ten Point Program, and a few of the Chapters from the Red Book, and the rules of the Black Panther Party, some articles from the newspaper, and then there was just general discussion about America and people and freedom and things.

Q Now, Mrs. Huggins, I show you this book and ask you if you can identify that? (Indicating)

A It's the Red Book, quotations from Mao Tse Tung.

Q When you referred to discussions from the Red Book, were you referring to this book --

A Yes.

Q -- that I have in my hands? (Indicating)

A Yes.

MISS RORABACK: I'm going to offer this, your

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Honor.

THE COURT: Show it to counsel.

MR. MARKLE: I don't know the purpose of the offer, your Honor.

THE COURT: The purpose, Miss Roraback?

MISS RORABACK: Well, what was discussed at this retreat, your Honor.

THE COURT: I didn't hear you.

MISS RORABACK: I say it was what was discussed at the retreat.

We have had the other documents in evidence, and now I would like to have this.

MR. MARKLE: No objection, your Honor.

THE COURT: Is that in both cases?

MR. GARRY: Yes, we will put it in.

THE COURT: Both cases, all right.

That would be 27 in the Seale case, and 21 --

THE CLERK: Yes, your Honor.

THE COURT: 21 in the Huggins case.

(The book referred to was received in evidence as DEFENDANT SEALE'S EXHIBIT 27 and DEFENDANT HUGGINS' EXHIBIT 21.)

BY MISS RORABACK:

Q Now, approximately how long did this retreat go on,

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if you remember?

A It seems like it was about 1:00 o'clock when we left.

MR. MARKLE: Can we have noon or night?

THE WITNESS: Noon. Afternoon.

(Page 2858 follows - no omission)

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BY MISS RORABACK:

Q And where did you go from there, Mrs. Huggins?

A We walked back to Orchard Street.

Q And later on that day, did you have occasion to go to any other meetings?

A We went to a small meeting at Yale.

Q And when you say "we," who went to that other meeting?

A Four or five people from Hartford, and Peggy and Lonnie, Warren, Loretta Luckes and I.

Q And was that in the afternoon or the evening, if you remember?

A It was the evening.

Q Now, Mrs. Huggins, just returning briefly to the telephone call that you had referred to earlier from Jose Gonzalves, do you know whether or not that call came in that day?

A Yes.

Q And was that before or after the morning retreat that you got that phone call from him?

A After.

Q And was there any -- question withdrawn.

Who was talking on the telephone with Mr. Gonzalves?

A Warren Kimbro.

Q And was there any conversation concerning Mr. Gonzalves,

or with Mr. Gonzalves?

A Just, you know, like sort of like a conversation.

Q Do you remember any details of it, Mrs. Huggins?

MR. MARKLE: Object, unless she knows -- as I understand it, this call --

MISS RORABACK: I will withdraw that question.

BY MISS RORABACK:

Q Did Mr. Kimbro say anything to you -- and I am talking about the people present in this room -- when that phone call came in?

MR. MARKLE: Well, first of all, I don't know when this is.

MISS RORABACK: After the retreat, on Saturday. I believe that's my question.

THE WITNESS: He said, "This is Jose" on the phone, you know.

Q Did he make any requests, or did you discuss any requests that he made?

A He had put the phone down to tell us what Jose said, and he said Jose wanted some money to get back.

Q To get back?

A Yes.

Q To Connecticut?

A Yes.

✓

Q And who was present when he said this, incidentally?

A I'm not too sure if I remember everyone that was present, but I know that Rory was in the room at the time.

Q Was it decided to send him any money?

A No.

THE COURT: No what?

THE WITNESS: No. We decided --

THE COURT: Not to send money?

THE WITNESS: -- not to send him any money.

THE COURT: All right.

BY MISS RORABACK:

Q Now, that evening, after this second meeting that you went to, where did you go after that, Mrs. Huggins? I'm now talking about the evening of May 17, 1969.

A Where did we go from the meeting?

Q Yes.

A Back to Orchard Street.

Q And when you arrived at Orchard Street, who was there?

A A house full of people.

Q And did you recognize any people from New York who were there?

A I recognized David Brothers.

Q And did he hold any position in New York, that you know of?

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A He was at the time Deputy Chairman of the State of New York.

MR. MARKLE: I'm sorry, she dropped her voice.

Can I have that read?

THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

MR. MARKLE: Thank you.

(Page 2862 follows; no omission.)

✓

BY MISS RORABACK:

Q You are talking now about the Black Panther Party of New York?

A Yes.

Q Now, was there someone there whom you later came to know as Alex Rackley?

A Yes.

Q And when you first saw him, do you remember what he was doing, or where he was at that time?

A He was sitting on one of the couches in the living room.

Q Was George Sams there at that time?

A Yes, he was.

Q And where was he?

A You mean at all?

Q Was he in the living room or in the kitchen, if you remember?

A I believe when I first came in, he was in the living room.

Q And do you remember what he was doing at that time?

A He was carrying on a rather loud conversation with someone.

Q Was that with Alex Rackley, if you remember?

A I don't think so.

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Q And where was Chairman Brothers, if you remember?

A Sitting in the kitchen.

Q All right. And did you go into the kitchen yourself?

A Yes.

Q And did you have some discussions out there?

A Yes.

Q What were they, if you remember?

A The people that were there from New York and I were talking about things we could do to pull the Chapters, you know, from like -- well, on the East Coast, let's put it that way, closer together, you know, sort of just make us stronger, you know.

Q And was Rory Withe and Landon Williams there?

A In the kitchen?

Q Yes.

A No.

Q Do you know where they were in the house?

A Not at that time, no.

Q Now, what did you do, Mrs. Huggins, if you remember?

A What did I do?

Q You, yourself, after you came in the house and these various people were there in the kitchen and living room?

A I sat down in the kitchen and was talking to them.

Q And did Landon Williams and Rory Withe eventually

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join that conversation?

A Not that I remember.

Q Now, did you eventually leave that house, Mrs. Huggins?

A Yes.

Q And before you did, was there any conversation between you and Landon Williams or Rory Withe concerning Alex Rackley?

A No.

Q And did you hear Landon Williams or Rory Withe say anything at all about Alex Rackley?

A No.

Q And did anyone else say anything about Mr. Rackley to you?

A Yes.

Q Who was that?

A George Sams.

Q And do you remember what he said?

A He sort of took my arm, you know, and sort of told me to come over to the side, you know, -- I was about to go out of the front door -- and I began to listen to what he was saying. He asked me, you know, -- he said, "Do yousee that Maryland farmer over there," you know, and that's a term used instead of -- well, it's a derogatory term, meaning a person is illiterate and from the country, but, anyway, he said,

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"Do you see that Maryland" --

MR. MARKLE: Could I have that read, your Honor?

I lost the voice.

THE COURT: It may be read.

It hasn't been finished yet.

You may read it.

(The last answer of the witness was read by the court reporter.)

MR. MARKLE: Thank you.

BY MISS RORABACK:

Q Pick it up, Mrs. Huggins.

A And so I said, "Yes, I see him," you know, the brother over there, and he said, "I think there is something wrong with him," and I asked him what he meant, and he said he thought he was an informer. So I looked at him and I asked him how he knew this, and he didn't answer me, he just told me to tell one of the sisters to get some information out of him, and I asked him why, and he said, you know, that I shouldn't ask him any questions, that I should just do what I was told, and he pointed to the sister that he had in mind -- he didn't know her name, but it turned out that it was Maude Francis, and I didn't want to tell her to do anything, and we had a discussion about that, and I told him

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no, I didn't want to tell Maude Francis to get any information out of anyone, and so he told me to, you know, -- with like force in his voice -- he didn't use physical force, but with force in his voice, "You do it or else."

So, I went over and I told Maude to find out what she could about the man.

Q You say "man." Are you talking about Alex Rackley?

A Yes.

Q And did you ever tell Maude Francis to go to bed with Mr. Rackley?

A I definitely did not.

Q And did you say anything further to her than just telling her you wanted her to get some information from Mr. Rackley?

A She looked at me very puzzled and asked me, you know, what did I mean, and I said, "Well, you know, just find out where he is from, just talk to him." Then I -- that was all I said, really.

Q And where did you go from there?

A I went to Hurlburt Street, where I was staying.

Q Now, Mrs. Huggins, the next morning, that Sunday, did you return to Orchard Street?

A Yes.

Q And when you arrived there, do you remember who was

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in the living room at that time?

A George Sams and Alex Rackley.

Q And were any other people around the office?

A Well, I believe Warren had brought me in, so he was around.

Q Were there any other people there, if you know?

A Maybe there were one or two people in the kitchen.

Q And where was Mr. Rackley?

A Asleep on one of the sectional couches.

(Page 2868 follows - no omission)

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Q Mrs. Huggins, I show you State's Exhibit K in this case, which is a photograph, and ask you if you can point out to his Honor, and to the ladies and gentlemen of the jury, where Mr. Rackley was sleeping -- does the sofa -- I'm sorry, question withdrawn.

Does the sofa on which he was sleeping appear in that photograph?

A Yes, it does.

Q And can you point that out to his Honor and then to the ladies and gentlemen of the jury?

A All right. (Indicating)

THE COURT: All right, I can see it.

THE WITNESS: Right?

THE COURT: Yes. It's the only sofa in the room?

THE WITNESS: Well, there's another one over here. (Indicating)

THE COURT: All right.

THE WITNESS: (At the jury) Right here. (Indicating)

MISS RORABACK: Thank you.

BY MISS RORABACK:

Q Now, Mrs. Huggins, was he stretched out on the sofa, or just how was he physically located on it at the time?

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A Well, he wasn't prone. He was, you know, sitting, but with his head resting on the wall.

Q I see. And his feet were on the floor?

A Right.

Q And was he in the corner of the sofa that's nearest to this, to the front of this photograph, and I'm now referring to State's Exhibit K?

MR. MARKLE: Object. It's leading.

THE COURT: It is leading. Why don't you ask her?

MR. MARKLE: I object to it.

BY MISS FORABACK:

Q What part of the sofa was he sitting on, or leaning back on, dozing, looking now at State's Exhibit K?

A On the end, furthest away from the door.

Q Is that the end that's closest to the front of that photograph, is that correct?

A Yes, it is.

Q Now, Mrs. Huggins, in that living room were there any other sofas or chairs?

A Yes.

Q And where is there another sofa in that living room?

A In the corner of the room, near the front windows, under the front windows.

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Q Is there another chair or sofa anywhere else in that room, or was there?

A Facing the entrance to the living room, it would be.

✓ Q Now, again, Mrs. Huggins, referring to State's Exhibit K, this other sofa that you are referring to, does that appear in this photograph, State's Exhibit K?

A No, it doesn't.

Q And in relationship to that photograph, where would that sofa have been? (Handing to the witness)

A It would have been behind the table that's at the bottom of the picture.

Q You're talking about "the bottom of the picture," the bottom left-hand corner?

A Yes.

Q There's a small table there?

A Uh-huh. /

Q And there's another sofa back from that, isn't that right?

A If I remember correctly, yes.

Q And immediately adjacent to that end of the sofa, where Mr. Rackley was sleeping, that's shown in State's Exhibit K, was there any other object of furniture in that room?

A There was a television.

(No omission; Page 2971 follows.)

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Q And on top of the television, was there anything on top of the television set?

A There were a lot of things on top of the television, like artificial flowers, and things like that. And there was some books.

Q Now, Mrs. Huggins, where was George Sams in that living room when Alex Rackley was sleeping?

A I believe he was sitting on the other sofa.

Q And this is the sofa that's not shown in that photograph?

A Right.

Q Where were you sitting, Mrs. Huggins?

A I wasn't really sitting. I was standing because I was, -- I was getting ready to leave, and go somewhere.

Q And did you say anything to Alex Rackley?

A I called his name. And he didn't wake up, so I went over to him, and I looked at him for a minute. He didn't wake up. I didn't say anything else at that point.

Q What did you do then?

A Well, he had his feet like out, you know, sort of onto the floor. He was like relaxing, you know, laying back with his feet out.

Q Yes?

A But not really slouching. He had long legs. And I

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took my foot and nudged his, you know, like a slight kick, you know. And I said, "Why are you sleeping in the office?" Then he woke up and he looked at me, looked up at me and he said, he didn't have anything else to do.

Q And did you say anything else to him then?

A I looked at him for a while, and I said, "Well, there are lots of things to do. And if you can't find anything else to do, then you can read something." And I walked over to the TV and there was a stack of books there that we had just gotten. And I picked up one, and gave it to him.

Q Now, Mrs. Huggins, I show you this book and ask you if you recognize it? (Handing to the witness)

A It's "Selected Military Writings" of Mao Tse Tung.

Q And can you tell me whether or not that was the book that you gave to Alex Rackley that morning?

A I can't say it's the same book, no.

Q Do you know which book you gave to Alex Rackley that morning?

A It was a -- a copy of the same book.

Q I see. And did it have the same cover on it, Mrs. Huggins?

A No. The copy that I gave Alex had a red cover on it, similar to the ones that's on the "quotations."

Q And when you say "similar to the ones that's on the

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'quotations,' " you're referring to Defendant's Exhibit 21 in this case, correct?

A Right.

MISS RORABACK: I'm going to ask that this be marked.

MR. MARKLE: I have no objection.

THE COURT: You join, Mr. Garry? Are you joining?

MR. GARRY: No objection.

THE COURT: Are you joining in the offer?

MR. GARRY: Yes.

THE COURT: All right.

It will be 28 in the Seale case and 22 in the Huggins case.

(The book referred to was marked as DEFENDANT SEALE'S EXHIBIT 28 and DEFENDANT HUGGINS' EXHIBIT 22 in evidence.)

BY MISS RORABACK:

Q Now, can you tell me, Mrs. Huggins, how far were you from where Mr. Rackley was sitting when you gave him that book, Defendant's Exhibit 22?

A He was, he was within my reach.

Q You just handed it over to him?

A Yes.

Q Now, what happened after that, Mrs. Huggins?

A He opened up the book, and sat here like he was reading it. But if I remember correctly, he had it upside-down.

Q And was anything said then?

A George Sams, like in a very gruff voice said, "I thought you said you couldn't read?" And then there was -- excuse me -- there was a sort of a conversation, in which Alex was trying to explain why he said he couldn't read before. I, I didn't understand what was going on because I had never heard Alex say he couldn't read, or I would not have given him that book.

Q And what happened then, Mrs. Huggins?

A I was standing there, and all of a sudden George Sams, you know, like just moved towards Alex and hit him in the face.

Q And did he say anything as he hit him?

A I didn't hear you.

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Q Did he say anything as he hit him?

A As he hit him, I don't think so, no.

Q Did he say anything before or afterwards?

A He asked Alex why he lied to me, you know?

Q What sort of tone of voice did he use, Mrs. Huggins, when he said that?

A It was, it was loud and demanding.

Q And did Mr. Rackley say anything at that time?

A First he said, he didn't know. And then, then after that, he began to explain that no one would teach him how to read. And the other things I don't really remember, you know.

MR. MARKLE: Your Honor, may I have that last part read back?

THE COURT: Read it, Mr. Reporter.

(The court reporter complied, reading the entire answer.)

BY MISS RORABACK:

Q Well, what happened after that that you remember, Mrs. Huggins?

A Well, I know in between, you know, the time that he asked him why he lied and Alex's answer, George hit him again in his face. Then he asked Warren Kimbro to get a stick, and we had heavy sticks at the house that we had flags on,

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you know, they were oak sticks, and Warren came back with an oak stick.

Q And what happened then?

A George Sams broke the stick over Alex's head.

Q And did he -- just go ahead, what happened after that happened?

A There was, there was a look on Alex's face as if he knew that if he didn't try to fight George Sams back, --

MR. MARKLE: I'm going to object, if the Court please. She knows everything --

THE COURT: Sustained.

What happened next, I think the question was.

THE WITNESS: There was a fight.

BY MISS RORABACK:

Q Did Mr. Rackley try to fight back, you mean?

MR. MARKLE: I'm going to object to the question. It's leading.

MISS RORABACK: All right.

THE COURT: Just ask her what happened.

MISS RORABACK: All right.

BY MISS RORABACK:

Q What did Mr. Rackley do?

A He began to try to hold George Sams off, away from him.

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Q And what happened then, Mrs. Huggins?

A And then George Sams began to drag him back and forth, knocking over things, and knocking into, to Warren and I.

Q "Warren and I"?

A Yes.

Q And, eventually, what happened, Mrs. Huggins?

A It all happened so fast. But I remember somebody saying to leave him alone, you know? Or to stop hitting him, or something to that effect. And then Alex was standing there, holding his head.

Q And was there some conversation with Mr. Rackley at that time?

A George Sams told him to get out and never come back. First he asked him where he lived, and did he want bus ticket, bus fare -- excuse me -- back to New York? And Alex said, "Yes." And so that someone was going to get him some money. A phone call was made to find out how much the bus fare would be to New York. And Alex was about to leave, and he said, "No, wait a minute. I had a coat. I want my coat." And someone went to look for the coat. And in the, you know, in the interim, George Sams said, "Wait a minute. I think you should stay around, anyway," or something to that effect. Those weren't his exact words.

BY MISS RORABACK:

Q And what sort of tone did he use when he said that?

A George Sams?

Q Yes.

A The same loud, demanding tone.

Q And what happened after that?

A Well, Alex didn't go anywhere, he stood there.

MR. MARKLE: May I have that read, your Honor?

THE COURT: It may be read.

(The answer of the witness was read by the
court reporter.)

BY MISS RORABACK:

Q What happened next?

A George Sams told him to go down to the basement.

Q And did he say anything to anyone else? I am now
talking about George Sams?

A He asked Warren to come with him.

Q And who went down to the basement at that time, Mrs.
Huggins?

A George, Alex and Warren.

Q Did there come a time when you went down?

A Yes.

Q Approximately when was that, if you know?

A Shortly after they went down there, someone called me

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and I went down. I believe it was Lonnie. Lonnie had been standing in the kitchen during this time.

Q And was Lonnie downstairs when he called you or upstairs?

A No, I said Lonnie went down with me.

Q And when you got downstairs, what did you see?

A I saw Alex standing, you know, up and George Sams was standing there, and he either had another stick or he had a paddle, I can't remember which because he used both, but Alex's -- the gash on his head that had been made from the stick before was bleeding, and he had a newspaper and George Sams was trying to make him read it.

Q What happened after that?

A I can't say what was going through George Sams' mind, but I feel that he --

MR. MARKLE: I will object, unless she tells us what happened.

THE COURT: The question is what happened next.

BY MISS RORABACK:

Q What happened next?

A Alex began to read, but not quickly enough and George Sams began to beat him again, and he also, when he got tired of beating him, he told Lonnie and Warren -- and I believe George Edwards was down there, too, to help him out, and when I say

told, it was in a demanding voice that made everyone think it was an order.

Q Now, incidentally, was there anything, in addition to his voice, any other method by which he was enforcing order there?

MR. MARKLE: I will object to that, if the Court please. That's grossly leading.

MISS RORABACK: It's not as leading as it could have been.

THE COURT: Sustained.

BY MISS RORABACK:

Q How was George Sams dressed?

A In a shirt and some slacks.

Q Did he have anything else on?

A Some shoes.

Q Did he have a belt on?

A Yes, he had a belt on, and he had a gun stuck in his belt.

Q And did he keep that gun in his belt at all times, Mrs. Huggins?

A While he was beating Alex, he had it in his belt, yes.

Q Did there come a time when he stopped beating Mr. Rackley?

A Yes, because I believe that Lonnie told him that that

was enough.

Q What happened then?

A I think he told Alex to sit down.

Q And after that, what happened, as best you remember?

A He asked him, was he an informer.

Q And what did Mr. Rackley say?

A He said no.

Q And what did Mr. Sams then say or do?

A He repeated it. You know, he asked him again, and Alex replied no, and he told him that he was lying and he based this on the fact that he had lied about the fact that he couldn't read so, therefore, he would also be lying about whether or not he was an informer.

Q And what did he next say or do? I am now talking about Mr. Sams.

A He said something to the effect that maybe -- maybe he'd feel more like talking if some hot water were poured on him.

Q And what did George Sams then say or do?

A He ordered Lonnie to go and tell someone to boil some water.

Q Mrs. Huggins, were you there in that basement all during what you have now recounted?

A Up to this point, yes.

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Q What happened after that?

A After what?

Q After he ordered Lonnie to get the hot water.

A It was brought downstairs and George Sams took it and poured it into Alex's lap.

Q And what did you do?

A I got nauseated.

Q What happened next, Mrs. Huggins?

A Oh, George Sams asked him something to the effect, "Now, do you feel like talking?" And Alex mumbled yes, he would.

Q And what did you next do, if you remember?

A Soon after that, I got up and went upstairs.

Q Now, did you return to the basement at some point?

A Yes.

Q And what was happening when you went back down?


A George Sams was still talking to Alex.

Q And what was he saying to Mr. Rackley?

A He was asking him if he knew who had infiltrated the New York Chapter of the Black Panther Party, and whether or not he knew how the 21 people got arrested in New York.

Q And what sort of tone of voice was he using when he was asking these questions, Mrs. Huggins?

A It was softer than before, but it was more threatening



because he also had the gun, talking with the gun in his hand.

MISS RORABACK: I'm sorry. Could that be read back?

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q You are now referring to George Sams, Mrs. Huggins?

A Yes.

Q And what happened next, Mrs. Huggins?

A I don't remember who he ordered to do this, but he asked someone to bring -- to bring the tape recorder downstairs so that what Alex was saying could be recorded.

Q And what did he say in that regard, do you remember, about the tape recording?

A Well, he looked at me and he said that he wanted me to make a tape.

Q And is that the way he said it to you?

MR. MARKLE: I am going to object, if the Court please. She just answered what he said to her.

THE COURT: It was the way.

BY MISS RORABACK:

Q Was it the way he said it to you, Mrs. Huggins?

A You mean in the tone of voice I'm using now?

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Q Yes.

A No.

Q Well, what tone of voice did he use toward you when he said that?

A It was demanding and very hostile.

Q And did you say anything to him?

A I asked him why I should make a tape.

Q And what did he say to you or do?

A He just told me that he was going to save it and, again, I shouldn't ask any questions, I should just do what he told me to do.

end tk.

(Page 2885 follows; no omission.)

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BY MISS RORABACK:

Q Did he make any threatening gestures towards you?

MR. MARKLE: I object to that, if the Court please.

That's grossly leading.

THE COURT: It is, Miss Roraback.

BY MISS RORABACK:

Q Did he do anything as he said this to you, Mrs. Huggins?

A Well, he still had the gun in his hand.

MR. MARKLE: I'm going to object to this, if the Court please.

Obviously --

THE COURT: It's answered; I will let it stand.

You are leading, Miss Roraback.

BY MISS RORABACK:

Q Now, Mrs. Huggins, was a tape made at that time?

A Yes.

Q And who was there at the time that tape was made?

A Lonnie McLucas and Warren Kimbro, Alex Rackley, George Sams and I.

Q And you heard that tape played in this courtroom --
question withdrawn.

You heard two tapes played in this courtroom

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during this trial, is that correct, Mrs. Huggins?

A Yes.

Q That first tape that was played earlier in the courtroom, was that the tape that was made down there in the --

A Yes, it was.

Q And prior to the time that you began speaking on that tape, was anything said to you by anyone down there?

A I asked -- well, yes, something was said to me.

Q Who said what to you?

A George Sams told me that I should say who I was and -- well, basically, to introduce myself, and he said, "Tell what's happened today."

Q And then you began doing so, is that correct?

A Yes.

Q And during the period of time when you were speaking on that tape, who was operating that machine?

A I believe it was Warren Kimbro.

Q And where was George Sams standing, if you know?

A I didn't hear you.

Q Where was GEorge Sams standing in relation to you and Mr. Kimbro?

A He was sitting down a little ways from me.

Q And was he doing anything at that time?

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A He was slouched in the chair, with a gun pointed at Alex.

Q And how close were you to Mr. Rackley?

A He was a few feet away.

Q You say "a few feet away." Was it five or ten feet, or don't you know?

A It's hard for me to say, you know. Maybe five or ten feet.

Q And while you were speaking, did anyone else say anything at the same time or -- question withdrawn.

Did anyone else say anything while you were speaking into that tape?

A Yes.

Q And who was that, if you remember?

A George Sams, Warren Kimbro.

Q And while you were -- question withdrawn.

Did you have a microphone in your hand, or how were you recording this, Mrs. Huggins?

A I had a small mike.

Q In your hand?

A Yes.

Q And did you ever -- question withdrawn.

Were you sitting or standing?

A Sitting.

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Q And did you ever get up while you were talking into that microphone?

A No.

Q Do you remember a phrase on the tape, Mrs. Huggins, which says, "Sit down, motherfucker. Keep still"?

A Yes.

Q What had happened at that time, if you remember?

A Well, Alex had, before that time, been sitting in the chair, and he got up, and he was very weak, and he began swaying and he was about to fall.

Q And --

MR. MANKLE: I'm sorry, your Honor, I can't hear her.

THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q And did you do anything to Mr. Rackley at that time?

A No.

Q And what did he do after you said that?

A He just looked at me and sat down.

Q Now, a point came when questions began to be addressed to Mr. Rackley, is that correct?

A Yes.



Q And who did the questioning?

A George Sams and Warren Kimbro.

Q And did Mr. Kimbro continue to operate the machine?

A I believe so.

Q And did a time come when you left that room,

Mrs. Huggins?

A Yes.

Q Approximately when was that, if you know?

A After they began -- I can't approximate it, you know, but it was shortly after they began questioning him.

THE COURT: I think perhaps this is a good point to break.

Ladies and gentlemen, you may prepare for lunch now.

(The jury was excused at 12:53 P. M.)

THE COURT: All right, prepare to go to lunch.

Recess, 2:00 o'clock.

(The court recessed at 12:56 P. M.)

AFTERNOON SESSION

(The court reconvened at 2:00 P.M.)

THE COURT: All set, counsel?

MISS RORABACK: Yes, your Honor.

THE COURT: All right, call the jury.

(The jury entered the courtroom)

THE COURT: All right, ladies and gentlemen.

Do you want the last question read?

MISS RORABACK: Yes.

(The court reporter commenced reading from

"Q And who did the questioning," and continued
until the luncheon recess.)

Walt
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DIRECT EXAMINATION BY MISS RORABACK (Continued):

Q And where did you go?

A Upstairs.

Q And what happened after that, Mrs. Huggins?

A What happened after I went upstairs?

Q Yes.

A I talked to someone in the living room for a couple of minutes. And I think I came back down.

Q And when you went downstairs what was happening then?

A George Sams had mentioned to George Edwards that he had been told that George Edwards was an informer. And he proceeded to question George Edwards.

MR. GARRY: May I have that question and answer read, your Honor?

THE COURT: Read it, Mr. Reporter.

Go back a couple of questions.

(The court reporter complied, commencing with "And what happened after that, Mrs. Huggins?")

BY MISS RORABACK:

Q And who else was down there in the cellar at the time when he was questioning George Edwards?

A Warren Kimbro, Lonnie, Alex, and I.

Q Alex?



A Yes.

Q And what was Alex Rackley doing?

A Walking around.

Q And, incidentally, did George Sams say who had told him that George Edwards was an informer?

A I don't believe that he did.

Q Now, what did you next do, Mrs. Huggins?

A Well, I finally got around to doing what I started to do, to go to the post office.

Q You went to the post office?

A Well, I went upstairs.

Q I see.

A And Warren Kimbro came up. He drove me to the post office.

MR. MARKLE: I wonder if that might be read back, your Honor?

THE COURT: Read it back, Mr. Reporter.

(The court reporter complied.)

BY MISS RORABACK:

Q And did you have any conversation with Mr. Kimbro about what had happened?

A I looked at him, and I asked him: Why did all that have to happen? And he looked at me very confused, and didn't answer. And there was no more said.

MR. GARRY: May I have that question and answer read?

(The court reporter complied.)

BY MISS RORABACK:

Q Now, did you return to Orchard Street?

A Yes.

Q And about how long had you been away when you went to the post office?

A It couldn't have been over fifteen minutes.

Q And when you returned, did you see Mr. Rackley again?

A I went upstairs, and he was upstairs, yes.

MR. MARKLE: I'm sorry, I couldn't hear that.

THE COURT: It may be read.

(The court reporter complied.)

(Page 2894 follows; no omission.)



BY MISS BORABACK:

Q And where was he when you saw him, Mrs. Huggins?

A Standing in the bathroom.

Q And did you say anything to him?

A Yes, I did.

Q And what did you say?

A Well, I think first I asked him how he felt.

And I don't remember what he said.

Q And did you do anything for him?

A Well, I asked him to turn around and let me see his shoulder, you know. And I looked at it. He was standing there in his underwear because he had just washed up, or something. And he, and he, I could tell he was in pain.

Q And did you then do anything yourself, Mrs. Huggins?

A Well, somebody went to get, to get something to put on his blisters. And I don't remember who it was, but that person seemed to be hesitant to do it. And so, so I began to try to, you know, sort of put something on the place.

Q And, incidentally, was Warren Kimbro there, too?

A Yes.

Q And did he do anything?

A Well, it seemed as though he wanted to do it himself, and he was, you know, like telling everybody to move out of the way in terms of, just people were standing there looking.

And, so I believe I put a bandage on his forehead. But I don't, I don't think I put anything anywhere else, just some salve on his shoulder. And then Warren continued to do something else. I went back downstairs.

Q And did you see Mr. Rackley again that day?

A Yes.

Q Approximately when was the next time that you saw him?

A It must have been shortly after I came. I went back downstairs. Maybe I came up again to go to the bathroom or something, and I looked into the room that he was in.

Q What was he doing that time?

A Well, his eyes were closed. I took it for granted he was asleep.

Q And where was he in the room?

A He was -- where was he?

Q Yes.

A He was laying in the bed.

BY MISS RORABACK:

Q Now, what did you do after that?

A I went downstairs and a group of us went to Hartford.

Q Do you know what time of day this was, approximately?

A Early afternoon, I guess.

Q And did you, at some point, return from Hartford?

A Later on that evening.

Q And did you come back to Orchard Street?

A Yes.

Q And can you tell me, when you came back to Orchard Street, who was with you, as best you remember?

A Who came back with me?

Q Yes.

A Warren, George Sams, Loretta, Jeannie Wilson and Maude Francis.

Q Was that the same group that had gone to Hartford with you?

A Yes.

Q And who had remained in the house when you left for Hartford, if you remember?

A I'm not sure of everybody, but I know that Peggy was there and Rose, probably.

I don't remember who else was there.

Q And were they there when you returned from Hartford?

A Yes.

Q Now, was anyone else there when you returned from Hartford?

A When we got back, Landon and Rory were there.

Q Now, when you entered the house, -- and I am now talking about 365 Orchard Street, Mrs. Huggins -- where did you go in the house?

A Into the living room and possibly into the kitchen, too.

Q And after that, was there a time when you went upstairs?

A Yes.

Q Who was upstairs there with you?

A I think that Rory went up with me, I'm not sure, and Landon.

Q Was George Sams up there?

A Yes, he was, because I can remember him following Landon.

Q How long did you stay upstairs?

A For a couple of minutes.

Q Did you go into the room where Alex Rackley was?

A No, I went up to go to the bathroom or something,

came back down.

Q You came back down?

A Yes.

Q Did you see Alex Rackley that evening after you had come back from Hartford?

A I don't think so, no.

Q And after that, where did you go?

A Eventually, to Hurlburt Street.

Q Now, Mrs. Huggins, on the next day, which was Monday, did you -- question withdrawn.

The following morning, where did you go, Mrs. Huggins?

A You mean when I left Hurlburt Street?

Q Yes.

A I came to Orchard Street.

Q And who was there at Orchard Street that morning, if you remember?

A Maude, Jeannie, Rose, George Sams, of course, and Frances came in at one point. I don't remember when she came in that morning.

Q This is Frances Carter?

A Yes.

Q And did you have any conversations with George Sams then?

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A Yes.

Q And where did that happen? Where did it occur?

A In the kitchen.

Q Incidentally, what were you doing that morning at the office?

A Well, making phone calls and receiving phone calls in reference to the speaking engagement at Battell Chapel.

(Page 2900 follows - no omission)

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BY MISS RORABACK:

Q You said you had a conversation with George Sams. How did that happen? What occurred in that conversation?

A Actually, it began as a conversation between one of the sisters and I. We were talking about -- I think we were talking about babies, as a matter of fact, and George Sams came in from upstairs and interrupted the conversation and began to talk about how he wished he had a child.

Q And did he say anything else in the course of that conversation?

A Yes, he said lots of things. He began to tell us how he hated his mother because she had disowned him when he was very small, and when he walked into the conversation we were mentioning someone who had --

MR. MARKLE: I will object to this, if the Court please.

Could we have the conversation?

THE COURT: I will let it go.

I will overrule the objection.

MR. MARKLE: May I have an exception, your Honor?

THE COURT: Exception.

A We were talking about -- I said that we were talking about babies, but we had also mentioned someone who had recently

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lost a child, you know, had a miscarriage, and he said that if he ever had a woman who was carrying his child and lost it, he'd kill her.

Q Did he talk about anything else, Mrs. Huggins?

A He told us that he wished he could find his mother, and we asked him why, because he had gotten very sad about it, and he said that if he ever found her, he'd kill her, and he described to us how she supposedly threw him to his father when he was very young in a bar one day in the South. Then he described how he had been shot by some black policemen and he described how the bullet entered and exited and he told us he had a plate in his head.

Q And in what sort of tone of voice was he talking about these things?

A It was dramatic more than anything else and, you know, it was attention-getting. No matter where you were in the house, you could hear him and, you know, you just had to stand there in amazement, you know, and listen, you know. He was talking with his whole body and he was very loud, you know.

Q Did you spend the day at Orchard Street, Mrs. Huggins?

A Not really. I was in and out.

Q And what were you doing?

A A whole lot of things, like I can remember making

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some posters that some people put on their cars that were talking about the speaking engagement, you know, at Yale, and just generally talking to people in the streets and selling newspapers. I can remember passing out some leaflets about something, I don't quite remember what.

Q And did there come a time in the afternoon when you and Mr. Kimbro went somewhere from the house?

A Yes.

Q And approximately when was that, if you can remember?

A Well, it was in the evening before dark.

Q Where did you go?

A Near the Thruway exit, coming from the direction of New York, I guess you'd say. I don't exactly know what exit that is.

Q And what happened after you had gone to that spot?

A Warren stopped the car, got out, and walked over to another car and had a conversation and came back.

Q And did you see who was in the other car?

A I could see one or two people.

Q Did you recognize anyone?

A Yes.

Q Who was it?

A I recognized Landon and Chairman Bobby.

Q When you say, "Chairman Bobby," are you referring to

✓

the defendant, Bobby Seale?

A Yes.

end tk.

(Page 2904 follows; no omission.)

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BY MISS RORABACK:

Q Mrs. Huggins, after he had gone over to that car and then came back to your car, or back to his car, I'm sorry, where did you go after that?

A To Hurlburt Street.

Q And did he say anything to you about what -- did Mr. Kimbro say anything about where you were going?

A He said we were driving to Hurlburt Street, that's about all.

Q And after you got there, what happened?

A Warren parked the car and we got out.

Q And who else was there, Mrs. Huggins?

A Well, Warren was leading the car that Landon was driving, so they parked and got out, and as we drove up, I saw my mother-in-law and father-in-law standing there, and I walked over to them.

Q And, eventually, did you go into the house at Hurlburt Street?

A Yes.

Q And can you tell me who came into the house at Hurlburt Street?

A Warren, Landon, Rory, David Brothers, June Hilliard and someone else, who I don't know, and, eventually, Mr. and Mrs. Huggins came upstairs.

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Q Did you mention Mr. Seale in that list?

A I thought I did.

Q Did he come in at the same time, Mrs. Huggins?

A Yes.

Q Now, Mrs. Huggins, at the time that he came into your house there, had you ever met Mr. Seale before?

A Yes, just once.

Q Just once?

A Yes.

Q And do you remember where that was?

A In Oakland.

Q And had you talked to him at all at that time?

A Not really more than two or three minutes, no.

Q That's the only time you had met him previously?

A Yes. I had seen him, but not to talk to.

Q And after you were in the house, you say Mr. and Mrs. Huggins, Sr. came in after a few minutes. How long did they stay?

A About ten minutes, maybe.

Q And after that, what happened, Mrs. Huggins?

A They left, and we sat around the kitchen and talked.

Q And did anyone do anything during that period, particularly?

A Did anyone do anything?

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Q Everybody just sat around the table talking?

A Well, I can remember that everybody was sort of getting ready to go to Yale for the speaking engagement, and Rory and Landon took baths.

Q And do you remember any of the conversations that went on?

A Yes.

Q What was said, Mrs. Huggins?

A Well, there were, you know, a lot of things said; just general conversation about the Party and America. Bobby was talking about the Breakfast Programs, and I think we were talking about newspaper distribution and the free health clinic and just, you know, conversations.

Q And, incidentally, did Mr. Kimbro stay there, if you remember?

A For a while; then he left.

Q And was anything said about Alex Rackley during that period of time?

A No.


Q Now, after that, where did you go next?

A I think that we went from there to Battell Chapel.

Q And who was with you when you went to Battell Chapel?

A All the people that were in the house.

MR. MARKLE: Can we have that named, if your



Honor please?

BY MISS RORABACK:

Q Can we have the names?

A Landon Williams, Rory Hithe, Bobby Seale, June Hilliard, David Brothers.

Q Is there anyone else?

A And there was someone else, but I don't know his name.

Q Now, did you go straight from your house to Battell Chapel?

A I can't really remember.

Q And when you arrived at Battell Chapel, where did you go then?

A Into the door that leads to the stage.

Q And, thereafter, what happened, Mrs. Huggins?

A I guess you'd call him the Master of Ceremonies. He came and asked me if I would introduce Bobby, and I said that I would, and then, five minutes later, he came down and said, "Okay," and we went up and he introduced me and I introduced Bobby.

Q And when you say he introduced you, you mean he introduced you to the crowd of people at Battell Chapel?

A Yes.

Q And after the speech, what happened, Mrs. Huggins?

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A We went back down through the back door leading from the stage, it was a small room there, and we got ready to leave.

Q And did you leave immediately?

A Well, everybody was going out of the door -- I was about the last one out, and the phone rang in this other room, and I picked up the phone, and it was Diane Toney's mother.

Q And did you talk on the telephone with her?

A Yes. I was -- yes, I did. I was very surprised that it was her calling Battell Chapel, you know, mention had just been made that a little girl was lost. So she asked if we could help her look for her little girl, and I told her that we were leaving a meeting, but as soon as we could, you know, people would go out and look for her, and not to worry.

✓ Q And where did you go from there, Mrs. Huggins?

A I got into the car outside.

Q Outside?

A Yes.

Q And when you left Battell Chapel, who was in that car with you?

A Landon Williams, Rory Hithe, June Hilliard, David Brothers, Bobby Seale and I.

MR. GARRY: May I have that read back, your Honor?

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THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

BY MISS RORABACK:

Q And where did you go from Battell Chapel?

A We drove to Orchard Street.

Q And do you remember where the car stopped on Orchard Street, in relation to the archway that's the entrance to 365 Orchard Street?

A Across the street.

Q And what did you then do, Mrs. Huggins?

A I got out of the car and walked into Orchard Street.

Q And did anybody else get out of the car with you, if you remember?

A I don't remember.

Q And when you went into Orchard Street, into the house, the office, what did you do then?

A I walked into the kitchen.

Q And what did you do in the kitchen?

A Well, I went to do two things, to see if I had any phone messages and to check on Mai.

MR. MARKLE: I'm sorry, could we have that read, your Honor?

THE COURT: It may be read.



(The last answer of the witness was read by
the court reporter.)

BY MISS RORABACK:

Q And was your baby there?

A Yes.

Q And where was she?

A She was in the kitchen with Peggy.

Q And did you have any conversation with Peggy about
the baby?

A No. I just asked her how she was doing and if she
was causing her any trouble, and there was a counter there,
and I looked on the counter to see if I had any messages.
That was just about it.

Q And where did you then go, Mrs. Huggins?

A I went out of the door.

Q Incidentally, were there any other people in the
house besides you and Peggy and your baby?

A The house was crowded, really crowded.

Q And you went out of the door again?

A Yes.

Q And this is the living room door?

A Yes.

Q And where did you go from there?

A I got back into the car.

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Q And was Mr. Seale in the car when you got back in?

A Yes.

Q And where did you go from there?

A To Hurlburt Street.

end tk.

(Page 2912 follows; no omission.)

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Q And after you got to Hurlburt Street, what happened?

A We got out of the car and walked upstairs into the apartment.

Q And what happened after you had gotten into the apartment?

A Well, lots of things, you know, a few of us. But what I can remember was that Chairman Bobby asked me if he could lay down on my bed, you know, and that's what he did.

MR. GARRY: I didn't get that, may it be read?

THE COURT: It may be read.

MR. GARRY: The last two questions?

(The court reporter complied, commencing with "And after you got to Hurlburt Street, what happened?")

BY MISS RORABACK:

Q And what did you do, Mrs. Huggins?

A I sat down on a chair in the kitchen.

Q And who else was there in the kitchen with you, if you remember?

A I think David Brothers was in the kitchen with me, and June Hilliard. And I think that Landon and Rory were, I think they went and laid down, too. I'm not sure.

MR. MARKLE: Your Honor, may I have that read?

THE COURT: Read it.

(The court reporter complied.)

BY MISS RORABACK:

Q And was there a time when Warren Kimbro came to the apartment?

A Yes.

Q And what happened, then, if you remember?

A He said, he said something to someone. I don't remember who he directed his comment towards, but he said something to the effect that they couldn't find a place. And there wasn't too much more conversation, and he left.

Q Now, Mrs. Huggins, the next morning -- which was that Tuesday morning -- did there come a time when you left Hurlburt Street?

A On Tuesday morning?

Q Yes.

A Yes.

Q And where did you go?

A I went to Orchard Street.

Q And with whom did you go to Orchard Street, Mrs. Huggins? With whom did you go to Orchard Street?

A Landon, Rory, June, Bobby and I. Actually, we went there so they could drop me off, they were going to an airport.

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Q And approximately what time was this?

A It was very early in the morning.

Q And did you go into Orchard Street?

A Yes.

Q And where did you go in the house?

A I didn't hear what you said.

Q Where did you go in the house?

A To the kitchen, I believe.

Q Now, did you see Mr. Seale again?

A Yes.

Q And what happened?

A He walked in. And I don't quite remember whether he was making a phone call or receiving one, but he used the phone, at any rate, and left.

Q And left?

A Um-um.

Q After that, what next happened, Mrs. Huggins?


A I don't know. The people in the house began to wake up, and we began to do things, you know.

Q Did a time come when another phone call was received?

A Yes.

Q And who took that phone call?

A I did.



Q From whom was that phone call?

A From a sister in the office in California.

Q And who was the phone call for, Mrs. Huggins?

A For Chairman Bobby.

Q And did you do something in connection with that phone call?

A I got frightened.

Q And what did you do?

A Well, I wrote the message down. And I asked Lonnie if he might take it to -- to New York, to try to catch Bobby with it.

Q Mrs. Huggins, I show you State's Exhibit V and ask you if you recognize that? (Handing to the witness)

A Yes, I do.

Q And what is that, Mrs. Huggins?

A It's the message that I wrote, that I received on that day.

Q And that message says, does it not, Mrs. Huggins: "Someone called from Oregon. There have been bombings at the University of Oregon. Called to your mother's house. They said it would be best if you did not come to Oregon at all. There have been threats to murder you. The brother in Oregon, who is head of the Party there, says there have been bombings, but they have calmed down. No danger. His number is" -- so and so. And then it's signed, "Rosemary, National Headquarters. Received by Ericka Huggins."

You say you -- what did you say you did with that message, Mrs. Huggins?

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A I gave it to Lonnie McLucas.

Q And did Lonnie leave at that time?

A Shortly after that, yes.

Q And who left with him, Mrs. Huggins?

A Peggy Hudgins and Loretta Luckes.

Q Now, that morning, Mrs. Huggins, can you tell me what else you did?

A Two people that lived about two or three blocks away had promised to give me some furniture they didn't need. They were moving. And, like, there was hardly any furniture at Hurlburt Street, and they were going to give me some of it. So Frances and I, Frances Carter and I walked two blocks over to talk to those people.

Q And after that where did you go?

A After I left --

Q That house, yes.

A -- their home? I came back to Orchard Street.

And I left again.

Q And where did you go from Orchard Street?

A I believe that Frances and Jeannie Wilson and I went to the Mental Health Center.

MR. GARRY: I didn't hear that.

THE COURT: It may be read.

(The answer of the witness was read by the

court reporter.)

Q Why did you go there, Mrs. Huggins, if you remember?

A There was a -- a conference I guess it's what you'd call it, on the social and cultural conditions of black people in America.

Q And after that -- approximately how long did you stay there, Mrs. Huggins?

A Not very long.

Q And after that where did you go?

A I think we went from there to the Hill Health Center.

Q And what were you doing at the Hill Health Center?

A Jeannie had to have a checkup for something. I don't remember what.

Q Incidentally, were you walking from these --

A Yes.

Q -- to these places?

A Yes.

Q What kind of a day was it, do you remember?

A It was a rainy sort of a gray day.

Q And after you'd been to the Hill Health Center, do you know where you went?

A We walked around downtown and talked to people. And we were sort of like doing something until it was time

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to go to a meeting of community people, including Diane Toney's mother, to discuss how to look for the little girl.

(Page 2920 follows; no omission.)

Q And did you go to that meeting?

A Yes.

Q And where was that meeting held?

A At the Hill Neighborhood Corporation, I think it's called.

Q And after you'd been at that meeting, what did you next do?

A Well, after we had gotten there, Warren drove up and sort of came in on the end of the meeting. We were issued flashlights, and Warren, Jean, Frances Carter and I, went to Congress Avenue and began to look for Diane Toney.

Q And where did you look for Diane Toney?

A All up and down Congress Avenue; condemned houses, and in alleyways and basements and everywhere.

Q And did there come a time when you went back to Orchard Street?

A Yes.

Q Approximately when was that, if you remember?

A It, it must have been after, after 3:00, or so.

MR. MARKLE: May I have that read, your Honor?

I'm sorry. I couldn't hear it.

THE COURT: It may be read back.

(The court reporter complied.)

✓

BY MISS BORABACK:

Q When you arrived back at Orchard Street, what was happening there?

A Well, the first thing I noticed when I walked in, was George Sams talking to someone, someone I didn't know. And he was sitting on the floor talking to this man, playing with a gun.

Q And you say "playing with a gun," what kind of a gun was that?

A It was a hand gun.

Q Was it the same gun that you had -- that he had the day before?

A Yes.

Q And how was he dressed, Mrs. Huggins?

A He had a towel wrapped around his waist. And that's about it.


Q Was there anything -- question withdrawn.

Did you notice anything about his hair?

A Oh, he had his hair braided.

Q And did you hear what he was saying to this person who you did not know?

A He was asking him something to the effect, did he know how to fix it? And I don't know what the man said to him.



MR. MARKLE: I can't hear that. Can she be asked to keep her voice up?

THE COURT: Read it back, please.

You are wasting your time if the jury doesn't hear what you have to say. Try to keep your voice up.

(The court reporter complied.)

BY MISS RORABACK:

Q Now, after that, what happened?

A Warren began talking to this particular man, I can't remember his name, but it turned out that he was a news reporter who had come to interview Warren about the Black Panther Party, and when Warren began talking to him, I asked George Sams why he was sitting on the floor in the place we were using as an office playing with a gun, asking a man that he didn't know if he knew how to fix it, and he told me not to ask questions, and looked at me like I was, you know, out of my mind.

Q Now, after that, where did you go?

A I got very -- I felt very useless, and I got up and I walked into the kitchen and sat down.

Q Did there come a time when you went upstairs, Mrs. Huggins?

A Yes.

Q And who was upstairs?

MR. GARRY: May I inquire, if the Court please, what time we are talking about? I seem to feel that it is after 3:00 o'clock in the morning.

MISS RORABACK: No, afternoon.

THE COURT: We are still in the afternoon.

MR. GARRY: Tuesday?

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MISS RORABACK: Tuesday afternoon.

THE COURT: Some time after 3:00 o'clock.

BY MISS RORABACK:

Q Did you answer that questions, Mrs. Huggins?

THE COURT: She said she did go upstairs.

Mr. Garry wants to know when.

BY MISS RORABACK:

Q And who was upstairs, Mrs. Huggins?

THE COURT: Mr. Garry wanted to know --

MISS RORABACK: I'm sorry.

BY MISS RORABACK:

Q When was this that you went upstairs?

A It must have been about, maybe, fifteen minutes after I had gone to the kitchen and sat down and talked to someone in there. Whoever I was talking to in the kitchen, one of the women. I asked them where Frances was, if she was around, and --

MR. MARKLE: Can we have the time? That was the question.

THE COURT: She said about fifteen minutes after she got to the kitchen. I don't know what that means either.

Why don't you straighten it out, Miss Roraback.

BY MISS RORABACK:

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Q Can you specify this in terms of time, Mrs. Huggins, as to when you returned to the house and then as to what time you went into the kitchen?

A I told you that I returned sometime after 3:00 o'clock.

Q That's in the afternoon?

A Right.

Q Of Tuesday, right?

A Yes. And so by the time I got upstairs, maybe, I don't know, 4:00, maybe, you know, because I was talking in the living room first to George Sams and then in the kitchen to someone else.

Q And then you went upstairs?

A Yes.

Q And it was probably about 4:00 o'clock. And who was upstairs, Mrs. Huggins?

A I went into a room and began talking to Frances and Jeannie.

MR. MARKLE: Your Honor, can we straighten this out. There are two Franceses in this case. I don't know what Frances she is referring to.

Q What Frances are you referring to?

A I was using her first name, Frances Carter.

(Page 2926 follows; no omission)

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BY MISS RORABACK:

Q Did there come a time when you saw Mr. Rackley that afternoon?

A Yes.

Q And approximately what time was that, do you know?

A Maybe 4:30.

Q And when you saw him, can you describe what you saw, Mrs. Huggins? In the first place, where did you see him?

A In the same bedroom that he was in before, the back bedroom of the upstairs.

Q And can you describe what you saw in that back bedroom?

A He was laying prone on the bed, and his hands were tied and there was something around his neck.

Q And had you, prior to that time on Tuesday afternoon, seen him with anything around his hands or around his neck?

A No.

Q And what did you do after that?

A I went back and I sort of had a really slow depressed sort of conversation with Frances.

Q Did you talk about Mr. Rackley?

A Not really.

Q Now, did there come a time, -- question withdrawn.

What else did you do upstairs, Mrs. Huggins?

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A Well, I began to bathe Mai.

MR. GARRY: This noise is very distracting,
your Honor.

THE COURT: I know, but it's also getting very
warm in here.

Let's take a little break now, and put the
conditioner on and cool things down a little bit.

You may retire, ladies and gentlemen.

(The jury was excused at 3:02 P. M.)

THE COURT: About fifteen minutes, counsel.

(The court recessed at 3:03 P.M.)

(The court reconvened at 3:20 P.M.)

THE COURT: All set, counsel?

MISS RORABACK: Yes.

Thank you, your Honor.

THE COURT: Call the jury.

(The jury entered the courtroom at 3:21 P.M.)

THE COURT: I think that's a little better.

All right, Miss Roraback.

MISS RORABACK: Your Honor, might I have the last question, several questions and answers?

THE COURT: Yes.

(The last question by Miss Roraback of the witness, and the answer of the witness, were read by the court reporter.)

BY MISS RORABACK:

Q And after you gave your daughter the bath, what did you next do, Mrs. Huggins?

A I put her to sleep and walked downstairs.

Q And do you remember what happened after that?

A Some of us went out and got some chicken and came back.

Q When you say "some of us went out," do you remember who went?

A Well, I remember that Landon was driving, but the

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only other person I remember in the car is George Sams, because he was talking so much and so loudly.

Q And where did you go in the car?

A I said we went to get some chicken.

Q And after you got the chicken, where did you go?

A We came back to Orchard Street.

Q I'm sorry?

A We came back to Orchard Street.

Q Thank you. And while you were in the car, do you remember any conversation about Alex Rackley?

A No.

Q After you returned to Orchard Street, what did you then do, Mrs. Huggins?

A I sat down in the kitchen and began to write something, a report or something.

Q And approximately what time was this, do you know?

A I don't believe it was later than eight, but I'm not really sure. I know it was dark.

MR. GARRY: May I inquire, your Honor, if we are talking about Tuesday now, Tuesday at eight o'clock?

THE COURT: Tuesday, early evening, about 8:00 P.M., is that right?

MISS BORABACK: I'll ask the witness, your Honor.

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THE COURT: Well, I'm asking you.

MISS RORABACK: That's what I understood.

THE COURT: That's my understanding.

MISS RORABACK: Yes, your Honor.

BY MISS RORABACK:

Q Is that correct, Mrs. Huggins?

A Yes.

Q And what next happened, if you remember?

A I can remember Warren Kimbro using the telephone.

Q And did you hear what sort of phone calls he was making, what he was saying?

A He was asking someone, whoever he was talking to I'm not sure, for the use of their car.

Q And before he made that telephone call, had you heard any conversation about a car, Mrs. Huggins?

A No.

Q And after you heard him making that phone call, what next happened?

A A brother came in, that hadn't been there earlier, and then he left with Lonnie.

Q Do you know what the brother's name was?

A Kelly.

Q Kelly?

A Yes.

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Q And he and Lonnie left?

A Yes.

Q And what happened after that, Mrs. Huggins?

A I can remember that Loretta Luckes went into the basement and came up with some clothes.

Q And what happened after that happened?

A I suppose she -- I can't really say what she did.

Q What did you next see?

A What did I next see?

Q Yes.

A Shortly after that, there was a lot of bustle in the stairway, and Alex Rackley came downstairs.

Q And were you still in the kitchen at this time, Mrs. Huggins?

A Yes.

Q Who else was in the kitchen?

A With me?

Q Yes.

A Peggy, and maybe two or three other people, but I don't really remember who. I remember Peggy, because she was sitting, so I could see her face.

Q And you say Alex Rackley came downstairs?

A Yes.

Q Did anyone else come into the kitchen?

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A He was, you know, being helped along by George Sams.

Q And you say "being helped along by George Sams," what do you mean; can you describe it?

A Well, George had him by one of his arms, you know, sort of pushing him along.

Q And was George Sams carrying anything?

A He was carrying the hand gun.

Q Mrs. Huggins, I show you State's Exhibit Q and ask you whether or not that is the gun which Mr. Sams was carrying that night? (Indicating)

A It looks like the one he had, yes.

Q And again referring to State's Exhibit Q, was that the same gun that you saw him brandishing down in the basement on Sunday?

A Yes, it looks like the same one.

Q And when you returned to the house on Tuesday afternoon, was that the gun which you saw him with in the living room of that house?

A Yes.

Q Now, getting back to that kitchen that night, Mrs. Huggins, Tuesday night, you say Mr. Sams had Mr. Rackley by an arm. Who else did you see with Mr. Rackley?

A Warren Kimbro.

Q And where was Warren Kimbro, in relationship to Mr.

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Sams and Mr. Rackley?

A George was to the side of him, George Sams, and Warren was like behind.

Q Rackley?

A Yes.

Q And was Mr. Kimbro carrying anything?

A I believe he had a rifle.

Q And, incidentally, was Mr. Sams between you and Mr. Rackley as he walked out through the kitchen?

A I didn't hear what you said.

Q Was Mr. Sams between you and Mr. Rackley as they walked out through that kitchen?

A You mean was Alex Rackley close to me --

Q Yes.

A -- when he walked past me?

Q Yes.

A I don't really remember, you know, like -- there is a counter, and I was sitting nearer to the wall, so that no matter where he walked, he wouldn't be near me.

Q Were you sitting by the counter?

A Back, sort of behind it like.

Q And Mr. Sams and Mr. Rackley were walking on the other side of that counter?

A Yes, around it.

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Q And did you notice how Mr. Rackley was dressed?

A Not in any detail. He had on a shirt and pants,
from what I could see.

Q Could you see his feet?

A No.

Q And did you observe anything around his neck?

A I don't really remember.

Q And did you observe whether or not he had any sort
of a jacket over his shirt?

A Not really.

Q And, thereafter, what happened, Mrs. Huggins?

A George Sams, Alex Rackley and Warren Kimbro went out.

Q And where did you go after that, Mrs. Huggins?

A Well, shortly after that, I went to Hurlburt Street.

Q Now, Mrs. Huggins, can you tell me what your
impression of Alex Rackley was, what you observed?

MR. MARKLE: I'm going to object, if the Court
please.

THE COURT: I don't quite understand the
question, Miss Roraback.

MISS RORABACK: I'll try to rephrase it, your
Honor.

BY MISS RORABACK:

Q Would you describe Mr. Rackley, Mrs. Huggins?

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MR. MARKLE: I object to that, if the Court please.

She's already described everything he has done and said.

THE COURT: Well, what do you want her to describe, the way he was dressed as he went out, or what?

BY MISS RORABACK:

Q Mrs. Huggins, whether or not you had any opinion as to whether Mr. Rackley was or was not a member in good standing of the Black Panther Party?

MR. MARKLE: I'm going to object to that, if the Court please.

THE COURT: I'll let that be answered.
Overruled.

MR. MARKLE: When?

I would like to know if we can fix a time.
Is this the beginning, or end, or when?

MISS RORABACK: I'll ask it for both times.
Let's start at the beginning.

THE COURT: What is your question now,
Miss Roraback?

MISS RORABACK: Whether or not Mrs. Huggins had any opinion as to whether Mr. Rackley was or was

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not a Panther in good standing at the time which she first saw him at 365 Orchard Street.

MR. MARKLE: I object, if the Court please.

I don't know the relevance of that at all.

THE COURT: I don't know it either, but I'll allow it.

MR. MARKLE: May I have an exception?

THE COURT: Let's see if it means anything.

THE WITNESS: When I first met him, did you say?

MISS RORABACK: Yes.

THE WITNESS: When I first met him, I didn't have any time to really observe him.

BY MISS RORABACK:

Q And when --

THE COURT: No. No. Wait a minute.

Read the question, Mr. Reporter.

(The last question by Miss Roraback of the witness, and the answer of the witness, were read by the court reporter.)

THE COURT: The question calls for a "Yes" or "No" answer, do you have an opinion.

BY MISS RORABACK:

Q At that first time? "Yes" or "No."

A I had an opinion, yes.

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THE COURT: Now, put your question.

BY MISS RORABACK:

Q And what was that opinion, Mrs. Huggins?

MR. MARKLE: I object, if the Court please.

By her own testimony, she said she'd only seen him once, at night, brought down and, thereafter, tied to the bed.

THE COURT: She is entitled to say whether she has an opinion as to whether he was a Panther in good standing at the time she first saw him. That's all.

That's all the question is.

MISS RORABACK: She says she has an opinion.

BY MISS RORABACK:

Q So, what is your opinion?

A That he really -- he really wanted to do something --

THE COURT: No. No.

All she wants to know is what is your opinion, did you at that time think Mr. Backley was a member of the Panther Party in good standing or not. That's all she wants to know.

THE WITNESS: Well, then, I can't really say whether I did or didn't.

THE COURT: All right, that's the answer to it.

BY MISS RORABACK:

Q And on Tuesday evening, when you last saw him, Mrs. Huggins, did you have any opinion as to whether or not he was a member of the Black Panther Party?

THE COURT: Now, that's "Yes" or "No."

THE WITNESS: Did I have an opinion as to whether he was a member of the Black Panther Party?

BY MISS RORABACK:

Q Yes.

A No.

Q Did you have any opinion as to whether or not --
I'm now talking about Tuesday evening, when you last saw him --
whether or not you had any opinion as to whether Mr. Rackley
was an informer on the Black Panther Party?

A Yes, I had an opinion about that.

Q And what was your opinion?

A That he was not.

Q And had you, at any time during those three days
that Mr. Rackley was in New Haven, had the opinion that Mr.
Rackley was an informer on the Black Panther Party?

A I really hadn't formed an opinion, no.

MISS RORABACK: I have no other questions.

THE COURT: Mr. Garry?

CROSS-EXAMINATION BY MR. GARRY:

Q Mrs. Huggins, did you at any time during the period
of time beginning March -- maybe 17th, 18th, 19th, or any time,
did you at any time conspire with anyone to kidnap Mr. Alex
Rackley?

MR. MARKLE: I'm going to object, if the Court
please. That's a question of fact for the jury.

MR. GARRY: I think this is proper cross-examina-
tion. This is the very essence of this case, whether
she conspired with anybody or not.

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MR. MARKLE: It's her own opinion, your Honor, which has no merit. It's what the facts show.

THE COURT: I think it is a question for the jury, Mr. Garry. You can bring out all the facts you want, but that's something for the jury to decide.

BY MR. GARRY:

Q Did you at any time conspire with anybody -- anybody -- to kidnap Mr. Alex Rackley?

MR. GARRY: These are the factual questions I'm asking, your Honor, I'm not asking a legal opinion of her.

THE COURT: Well, I'll let it go for what it's worth.

MR. MARKLE: May I have an exception, your Honor?

THE COURT: Exception may be noted.

A No, I did not.

BY MR. GARRY:

Q Did you at any time agree to kidnap Mr. Alex Rackley?

A No, I did not.

Q Did you at any time agree, or conspire to kill Mr. Alex Rackley?

A No, I did not.

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Q Did you at any time agree with anyone that you wanted to harm this man in any respect?

A No.

Q Did you at any time aid or abet the kidnapping of Alex Rackley?

A No.

Q Did you at any time aid or abet, either directly or indirectly, to kill this man, Alex Rackley?

A No.

Q Were you afraid of George Sams at any time during the period of time that we have been talking about here this afternoon and this morning?

A Yes, I was.

Q And in what way were you afraid of him?

A He was irrational. I was afraid of him physically, and I was afraid of the weapon that he wielded.

Q And did he continuously -- strike that.

How often did he carry this hand weapon around with him?

A Well, I didn't see him in every moment. But when I saw him he had it most of the time.

Q Now, you've been in the Black Panther Party sometime from April of 1968, or February of 1968 --

A Yes.

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Q -- and up until May of 1969?

A Yes.

(Page 2943 follows; no omission.)

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Q Did you at any time ever see anybody act either -- in any manner similar to the way that this man, Sams, was acting?

A No.

Q You had never seen Mr. Sams before you saw him in May of 1969, is that correct?

A No.

Q I mean, that is correct or not correct?

A Oh, I'm sorry. I had not seen him before.

Q Now, when you, as I understood your testimony this morning, you said "Why?"; when he ordered you to make a tape, you asked him "Why," is that right?

A Yes, yes.

Q And he said to you, "You just do what I tell you to do," right?

A Right.

Q And at that time, did he have, did he still have his gun in his hand?


A Yes, he did.

Q Now, you've heard testimony in this courtroom that that gun at one time was in a drawer and went off --

A Yes.

Q -- by itself?

A Yes.



Q You heard, and I believe it was Mr. Kimbro who testified to that?

A Yes.

Q Do you recall that? Did you know about that incident, the gun had gone off all by itself?

A I think someone mentioned it to me. I'm not sure.

Q And did you know that this was the same gun that Mr. Sams was displaying, that would go off all by itself even without anybody touching it; did you know that at that time?

A I can't really say whether I did or not, you know?

Q Nevertheless, you were frightened of that gun, and the man behind it?

A Yes, the gun and George Sams, yes.

Q Now, I believe that during the period of time that you were speaking in the tape we heard here in this courtroom, was Mr. Sams or Mr. Kimbro coaching you as to what to say in the background?

A Yes, they were.

Q In other words, you said something here, and if it wasn't quite correct, they would correct you and you'd say the same thing, is that right?

A Yes.

Q And, in other words, to put it more bluntly, they were kibitzing when they were having you do that narration, is

that correct?

A You'd have to explain what you mean.

Q Well, you've been on the telephone, haven't you, when somebody was standing next to you telling you what to say, and you couldn't hear because of the, what was going on on the telephone and the loudmouth next to you; you've had that experience, haven't you?

A Yes.

MR. GARRY: I do that to my wife all the time.

BY MR. GARRY:

Q You've had that experience?

A Yes.

Q Was this same thing going on at the same time that you were making this tape?

A That's what it was like, yes.

Q I believe you also stated to the Court and jury this morning that after this hot water torture situation, you went to Warren Kimbro -- I don't know whether you went for a ride with him or what the circumstance was; would you tell us about that, what were the circumstances in your saying, "Why did all this have to happen?"

MR. MARKLE: I object to that. She's testified. Is he cross-examining her on that?

THE COURT: I think he is.

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MR. GARRY: I'm entitled to.

THE COURT: Go ahead, go ahead.

THE WITNESS: I said this morning that I, you know, I had to go to the post office and that he drove me to the post office. And on the way there I asked him, you know, "Why was all this necessary?" And he looked, I said that he looked at me in a very confused manner and didn't answer.

(Page 2947 follows - no omission)

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Q He did not reply to you?

A Right.

Q Did you pursue that with him thereafter?

A No, because I really didn't feel like talking at all.

MR. MARKLE: I'm going to object. She answered it.

Q Well, why didn't you pursue it then?

MR. MARKLE: I'm going to object to it.

THE COURT: Sustained.

BY MR. GARRY:

Q Now, you heard George Sams testify, Mrs. Huggins, that Sunday afternoon when you and others went to Hartford that Landon, Mr. Landon Williams and Mr. Rory Hithe -- or Heethe -- were there in the household at 365 Orchard Street, was that true or not?

MR. MARKLE: I'm going to object to that, if the Court please. She can tell whom she recalls being there. She can't characterize it because I believe she said she couldn't recall.

THE COURT: Wait a minute. Wait a minute.

Read the question.

(The court reporter complied.)

THE COURT: You want her to characterize Sams' testimony? You may not do that. I'll sustain the

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objection.

You can ask her what her ^{de} collection is.

BY MR. GARRY:

Q Was Landon Williams and Rory Hithe present at 365 Orchard Street when you and others went to Hartford on Sunday afternoon?

A No.

Q What time, what time did Mr. Williams and Mr. Hithe come to 365 Orchard Street on Sunday night?

A I really couldn't tell you.

Q Was it late, or early at night?

A Well, when we got back they were there.

Q They were there when you got back --

A Yes.

Q -- is that right?

A Yes.

Q But they were not there when you left?

A No, they weren't.

Q Now, do you recall there was some testimony regarding taking Alex Rackley to a hospital? Do you remember that?

A Yes, I do.

Q Do you remember that incident happening, or do you have a recall of that?

A All I remember is the testimony of it. I didn't

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participate in the conversation. I don't -- I don't know that I was there when that was said.

Q In other words, you don't remember that incident taking place?

A No, I don't.

end tk.

(Page 2950 follows; no omission.)

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BY MR. GARRY:

Q As I understand, after Mr. Seale came to your home before he spoke at Yale, that was sometime after all of you left directly from your home on Hurlburt Street to Battell Chapel, is that right?

A Yes.

Q And then thereafter, when the meeting was over and the question and answer period went on, as you were walking down, you heard the telephone in this room?

A Yes.

Q And you answered it. You have given us the telephone conversation. From there, you went directly to Orchard Street, is that right?

A Yes.

Q And could you tell us whether you saw Mr. Seale in the automobile at the time that you got out of the car to go into Orchard Street?

A You mean before I got out of the car, was he in the car?

Q Yes.

A Yes.

Q And what, if anything, was Mr. Seale doing at that time?

A He had his head rested against the back of the seat.

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He may have been asleep.

Q He was either asleep or assimilating sleep?

A Yes.

Q And were you the only one that got out of the car or did someone else get out of the car with you?

A I don't know whether someone else got out, you know, because I got out very quickly and went in.

Q Do you recall what the weather was like?

A It was rainy.

Q And you went into the house. How long do you believe -- do you have any idea -- that you were in the house before you came out again?

A Time is, you know --

Q I know it's kind of a relative term.

A Well, it couldn't have been more than 20 minutes, maybe.

Q Could it have been that long?

A Probably not, you know.

Q Well, maybe perhaps, if you recall what you did -- I believe you stated that you checked in to see whether your baby, Mai, was in good shape. She was in the kitchen, right?

A Yes.

Q And there was something else that you said you checked on; the telephone calls on the counter?

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A Yes.

Q And was it anything more than that?

A I said that I talked to Peggy for a couple of minutes.

Q Peggy who has testified here in this courtroom?

A Yes.

Q Margaret Huggins?

A Yes.

Q When you came back out, was Mr. Seale in the car?

A Yes.

Q Was he in any -- had his poise in any way changed from the way you left him before you went into the house?

A No.

Q He was still either asleep or assimilating sleep, is that right?

A Yes.

Q By the way, did Mr. Seale have to be propped up on the podium at Battell Chapel?

A No.

Q Because he had too much Cutty Sauce (Sic) to drink?

A No.

Q What was his state of sobriety when you saw him the first time on Sunday evening?

A He was tired, but he was sober.

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Q And when the meeting was over and he came back to your house, what was his state of sobriety?

A Well, I would say that he was sober.

Q And you testified that he saw your bed and he said, "May I?" And he just flopped on it?

A That's right.

Q Did he ever take his clothes off?

A No.

Q And you next saw him in the morning?

A Yes.

Q That would be sometime after 5:00 o'clock in the morning, would it not?

A Yes.

Q And Warren came to the apartment after you got back from speaking at Battell Chapel -- when I say came to the apartment, I am talking about 127 Hurlburt Street -- is that right?

A Yes.

Q And he stayed there and rapped a while?

A No, he came and said what he had to say and shortly after that he left.

Q What did he come to have to say?

A He said he couldn't find a place, and I didn't really know what he meant, you know. He was directing that

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towards someone else, and it was one of the brothers that was in the kitchen, I don't remember who, and shortly after that, he left.

MR. MARKLE: May I have that read, your Honor?

I'm sorry, I didn't hear that.

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

(Page 2955 follows - no omission)

BY MR. GARRY:

Q Now, correct me on this if I have misunderstood you, Mrs. Huggins. Did I understand you to testify that the first time that you ever saw Mr. Rackley tied up, tied up in bed and also with something around his neck was around 4:30 on Tuesday?

A That's correct.

Q And up to that time, you had not seen him in that kind of a condition?

A No, I hadn't.

Q When Mr. Rackley was taken out, did anybody say as to where Mr. Rackley was being taken?

A I didn't hear any conversation about it.

Q You heard somebody testify here in this courtroom -- I believe it was Mrs. Huggins, Peggy -- that Lonnie said they were taking Mr. Rackley to the bus station. You did not hear that, is that right?

A No, I didn't.

MR. GARRY: I have no further questions.

THE COURT: Mr. Markle.

CROSS-EXAMINATION BY MR. MARKLE:

Q You have told us, Mrs. Huggins, that the first time that you met George Sams was when he came up here with Landon Williams, is that right?

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A Yes.

Q And that was -- would it be a fair statement to say Tuesday, May 13, 1969?

MR. GARRY: May I hear that question, your Honor?

THE COURT: It may be read.

(The last question by Mr. Markle was read by the court reporter.)

THE COURT: Rephrase your question.

BY MR. MARKLE:

Q Did you not first meet George Sams and Landon Williams on May 13, 1969, that's a Tuesday, when Warren Kimbro brought them to your apartment?

A I'm not sure of the date.

Q Well, would you say it was a few days before Alex Rackley was brought to New Haven?

A A few days, yes.

Q And when they were brought to your apartment, who brought them to your apartment, who brought George Sams and Landon Williams?

A Warren Kimbro.

Q And what, if anything, did he say to you when he brought them up there?

A He said, "Ericka, Landon is here."

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Q And did you know who Landon was?

A Yes.

Q And did he ask you -- he just said, "Landon is here"?

A Yes.

Q And then what happened?

A And then I said hello to him.

Q Then what happened?

A And then I sat down.

Q In your apartment?

A Yes.

Q And was George Sams there?

A Yes.

Q And did Mr. Williams introduce you to George Sams?

A He said, "This is George."

Q He said, "This is George." And did Mr. Kimbro ask you who George was or ask Landon Williams?

A No. I sort of took it for granted that they had been introduced before.

Q I'm sorry. Can you raise your voice a little?

A I took it for granted that at some other time, you know, before he brought them to my house, that he had found out that this person was George.

Q Well, this was the first time you had seen Landon Williams in how long?

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A Since August of 1968.

Q And you had last seen him on the West Coast?

A Yes.

Q And where had you last seen him in August of 1968?

A At Alameda County Court House.

Q What was he doing at that time, Landon Williams?

A When I last saw him?

Q Yes.

A Walking.

Q With whom?

A With about -- I don't know; just crowds of people.

Q And was he with crowds of people who were Panthers?

A Some of them were.

Q And did you see George Sams at that time?

A I might have. I don't really know.

Q And isn't it a fact that you recognized both of them as being Panthers from the West Coast on that night when they were brought to your apartment?

A I recognized Landon.

Q As being from the West Coast?

A Yes.

Q And, at that time, did you ask Mr. Williams what he was doing on the East Coast?

A I think that I did, yes.

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Q And what did he tell you?

A He said that he was trying to help with the New York Chapter.

Q Did he tell you what his assignment was?

A No.

Q Just that he was trying to help the New York Chapter?

A Yes.

Q And that's all he told you?

A That's all I can remember.

Q And did he tell you who George Sams was and what he was doing?

A No.

Q And did you see George Sams on that night with a .45?

A I don't recall.

Q You don't recall. Did you see Landon Williams with a weapon that night?

A I don't recall that either.

Q Did you see Warren Kimbro with a weapon that night?

A I don't recall seeing him with one, no.

Q And isn't it a fact that when Mr. Kimbro brought them to your apartment on that occasion he wanted to verify that they were, in fact, from National?

A I don't know what he wanted to do. He didn't ask me if I would verify.

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Q He didn't ask you that?

A No, not that I remember.

Q Not that you can recall, is that fair?

A That's fair.

Q Didn't you tell us that you next saw them a few days later, Landon Williams and George Sams?

A I don't believe I said a few days later, no.

Q Well, was it a few days later?

A It was shortly after that. I don't really remember when.

Q And didn't you see Landon Williams --

MR. GARRY: Just a minute. She hasn't finished her answer.

THE COURT: Did you finish the answer?

THE WITNESS: I said, I don't remember when it was.

BY MR. MARKLE:

Q So you had finished. In point of fact, didn't you see them --and I have reference to Landon Williams -- in the basement of the Kimbro apartment one night with members also being in attendance from Hartford?

A I might have.

Q As a matter of fact, wasn't it at that meeting at that place that Landon Williams told the people from New Haven and also the people from Hartford that there were no Panthers in Connecticut except you, isn't that a fact?

A No, that's not a fact.

Q That didn't take place?

A That's not what he said.

Q What did he say, Mrs. Huggins?

A I think he was trying to explain that --

Q I asked you, Madam, what he said, not what he was trying to explain. What did he say to the people that were there?

A Well, I can't tell you exactly what he said.

Q As nearly as you can recall.

A That because of the process, the transitional period that the Black Panther Party was going through, we weren't allowing new members in, and that since the stoppage of new members coming in, since the people in Hartford had

begun to come around after that period of time, they weren't considered as Panthers, and that everyone there would act as Panther members but, in terms of being a Panther member, I was one.

Q You were one?

A Yes.

Q And that was told to that group on that night in the Kimbro basement?

A (No response.)

Q And weren't present at that time --

MR. GARRY: Just a minute, now. Let's get an answer to that question.

THE COURT: Did you get an answer to that question, Mr. Reporter?

(The court reporter replied in the negative.)

THE COURT: Would you read the question, Mr. Reporter.

(The last question by Mr. Markle was read by the court reporter.)

BY MR. MARKLE:

Q Is that correct?

A Yes, if I'm thinking about the same time you are thinking about, yes, that's correct.

Q Wasn't George Sams present then?

✓

A Yes.

Q And didn't Landon Williams conduct that Political Education Class?

A It wasn't a Political Education Class.

t Q Well, did he conduct that meeting?

A No.

Q Did he tell the brothers from Hartford that they were not to support Adam Clayton Powell?

A Yes, he and four or five other people said that.

Q Who were the four or five other people?

A Some of the people from Hartford were agreeing with him, and I am trying to remember who was down there.

Q Mrs. Huggins, wasn't there a dispute going on --

MISS MORABACK: He has not permitted her to finish her answer.

THE COURT: She wants to think, I guess she said. She is trying to remember.

THE WITNESS: I think that Lonnie and Warren and Frances and Landon and I were there, but as for the names of the people from Hartford, I don't remember their names, and I remember George Sams being there, right.

BY MR. MARKLE:

Q I don't think that was my question.

✓ A And you asked me if I remembered Landon advising him
of this, and what I'm saying is that he said that he thought
it wasn't a good idea to be in Hartford in support of Adam
Clayton Powell, and he said quite a few people in the basement
agreed with him.

Q What I'm asking you is, wasn't there a disagreement
between Hartford, who continued to support Adam Clayton Powell,
and Landon Williams, who said they were not to do so?

A I wouldn't call one or two people Hartford.

Q Was there a Panther chapter in Hartford?

A No.

Q These were just trainees, these people from Hartford?

A Yes.

Q Can you name them?

A I can name them, persons I remember like carrying
the conversations.

Q Who was that?

A I believe his name was "Butch."

Q "Butch" who?

A I don't remember his last name.

Q Have you ever seen him since?

A Since?

Q That night.

A That night?

Q Yes.

A I don't remember seeing him.

Q You don't remember seeing him?

A (No response.)

Q And at that time, didn't Mr. Williams tell, also, the gathered people at that meeting that he was going to send a brother up to help straighten out the Connecticut chapter?

A I don't remember him saying that.

Q You don't remember him saying that?

A No.

Q Isn't it a fact that this meeting, with the Hartford people, took place before Rory Hithe came down?

A It could have. I don't know.

Q You don't remember?

A No.

Q And, incidentally, what position did Lonnie McLucas hold in the Party in May of 1969?

A I believe he was acting field lieutenant.

Q But was he not a Panther? He was not a trainee, was he?

A No, he wouldn't have been considered a trainee.

Q He was what?

✓

A He would not have been considered as a trainee, no.

Q So he was a Panther?

A As far as I was concerned, he was, yes.

Q Well, in point of fact, didn't you tell us that coming out of the West Coast, at one time earlier in February or March, was Gonsalves and McLucas?

A Did I tell you that?

Q Did you tell that to Miss Roraback?

A Yes.

Q And they were coming from National, weren't they?

A I don't know whether they came from National or not.

All I know is they came from California.

Q And where in California did they come from?

A I'm not sure really.

Q Now, you received a telephone call, you said, from someone who told you that -- you got a telephone call concerning the formation of the Black Panther Party in Connecticut, right, sometime?

✓A (No response.)

Q When was that, March, February -- March of 1969?

A It would have been the beginning of February, if that late.

Q Could it have been late January?

✓A (No response.)

✓

Q And who called you?

A I believe it was -- I'm not really sure.

Q But you distinctly recall you received a phone call?

A Yes, I remember that.

Q And in that phone call, you can't recall who it was on the other end of the phone?

A There was so many things happening at the end of January, it was hard for me to remember something like that.

Q Well, where did the telephone call come from?

A California.

Q Where in California?

A I don't know. I mean, I can't remember exactly where.

Q You can't recall that?

A No. That's what I said.

Q And you can recall that you were told that two people were coming from California?

A Yes.

Q And they would be working in Bridgeport?

A Yes.

Q And you were asked to help them?

A Yes.

Q But you never verified who that call was from?

A I don't understand what you mean by "verified."

Q You never checked to see who had called you from

✓

National?

A At the time, it must have been, you know, valid to me or I wouldn't have said, "Yes," but I'm saying now I can't remember.

(Page 2969 follows; no omission.)

✓

Q And you were -- the two names you were given were Jose Gonsalves and McLucas?

A That's correct.

Q And after that phone call, you met, or you heard from, Gonsalves, is that right?

A Yes.

Q And then you met with him and McLucas?

A The first -- when they first came to town, I believe they came by and talked to me for a while.

Q This was even before they had opened in New Haven? This is when they had gone to Bridgeport first, right?

A Yes.

Q And that would have been in early February --

A I believe --

Q -- of 1969?

A I believe so.

Q And at that time, when Gonsalves came here, in February of 1969, did he tell you what his position was in the Black Panther Party?

A I can't remember that he told me about a position he had, no.

Q Well, when did you find out what his position was?

A He told me that he was -- what did he tell me -- defense captain, I think.

✓

Q Defense captain?

A I think that's what he told me, but he didn't say that anybody had given him that title.

Q And did he use the title of captain in the Black Panther Party in the New Haven area?

A Yes.

Q And did you ask him where he had come from?

A Did I ask him?

Q He and McLucas?

A Did I ask where he had come from in California?

Q Yes.

A Yes.

Q And where did he tell you?

A He said that he had been to the Oakland office.

Q And the Oakland office is where National is, isn't it?

A No.

Q No?

A No.

Q Where is National's office?

A Right now?

Q No. In 1969.

A Then it was in Oakland.

Q And he told you he came here from Oakland with McLucas,

and he told you he was here to start the Black Panther Party, is that right?

A Yes.

Q And you began to give -- I think you told us before once a week, one night a week, to give Political Education, to speak of ideology, is that right, talk to the people?

A Yes.

Q And during that period of time, in February of 1969, who was in the Black Panther Party in New Haven -- in Bridgeport?

A Well, working in Bridgeport were Lonnie and Jose and Frances Carter, Peggy Huggins, and some other people.

Q All right. And do you know where Frances Carter is today?

A Do I know where she is?

Q Yes.

A No.

Q And actually most of the testimony that you have given today now, is it a fair statement to say that you reviewed what you testified to with Miss Roraback and with Mr. Garry, in conferences?

A Yes.

Q And so --

THE COURT: I think this is a good place to

✓

break off. It's getting stuffy again in here, and it's been a long day, and I think it's a good time to break off. ✓

So, ladies and gentlemen, you are excused until 10:00 o'clock tomorrow morning, and I will repeat what I have said in the past. Stay away from news stories, either on the radio or television, or in the press, or periodicals in magazines or books, or anything concerning this case, or anything concerning the Panther Party, or any of its officials and, of course, no conversations with anyone. And, remember also that last thing I usually say to you, wait until you hear everything before you start to discuss anything.

So, have a pleasant evening and forget about everything until you come here tomorrow morning.

You are excused. Good night.

(The jury was excused, at 4:20 P. M.)

THE COURT: You may step down, Mrs. Huggins.

Close the door, Sheriff.

Prepare to recess for the day.

I would like to see you for a moment,

Miss Roraback.

Adjourn court, Sheriff, until tomorrow morning

at 10:00 o'clock.

(The court adjourned at 4:25 P. M.)

W I T N E S S E S

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
ERICKA HUGGINS				
(By Miss Roreback)	2608			
(By Mr. Garry)		2939		
(By Mr. Markle)		2955		

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
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DEPENDANT SEALY'S EXHIBITS

27	Red Book		2856
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28	Book		2873
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DEPENDANT HUGGINS' EXHIBITS

21	Red Book		2856
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22	Book		2873
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NO. 15681

STATE OF CONNECTICUT

vs.

ERICKA HUGGINS

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 12, 1971

NO. 15844

STATE OF CONNECTICUT

vs.

BOBBY G. SEALE

SUPERIOR COURT

NEW HAVEN COUNTY

MAY 12, 1971

B e f o r e: HON. HAROLD M. MULVEY, Judge
& Jury (12)

A p p e a r a n c e s:

ARNOLD MARKLE

State's Attorney, New Haven County
121 Elm Street
New Haven, Connecticut

CATHERINE G. RORABACK

129 Church Street
New Haven, Connecticut

Representing the defendant
Ericka Huggins

CHARLES R. GARRY, ESQ.

341 Market Street
San Francisco, California

- and -

DAVID ROSEN, ESQ.

865 Chapel Street
New Haven, Connecticut

Representing the defendant
Bobby G. Seale

COURT REPORTERS:

Arthur E. Moan, Jr.
Walter Rochow
David Tilewick

M O R N I N G S E S S I O N

May 12, 1971

(The court opened at 10:00 o'clock, AM.)

THE COURT: Good morning, everyone.

All set, counsel?

MR. MARKLE: Yes, your Honor.

THE COURT: All right.

Mrs. Huggins, take the stand.

All right, call the jury, Sheriff.

You may be seated, Mrs. Huggins.

(The jury entered the courtroom at 10:03 A. M.)

THE COURT: Good morning, ladies and gentlemen.

All right, Mr. Markle. You are on cross.

MR. MARKLE: Yes, sir.

E R I C K A

H U G G I N S,

having previously been duly sworn, resumed the witness stand and testified further as follows:

(Continued) CROSS EXAMINATION BY MR. MARKLE:

Q Now, I believe, Mrs. Higgins, I'd been asking you about that Thursday, May 15th, 1969, when you had met in the basement of the Kimbro apartment; do you recall that?

✓ A (No response.)

Q Do you recall the meeting in the basement of the Kimbro apartment with the Panthers from Hartford, and the trainees?

A Yes.

Q And isn't it a fact that while you were in that basement, Mr. Williams, Mr. Landon Williams, got a phone call and it was a result of that phone call that you went to New York?

A I don't recall.

Q You don't recall that?

A No.

✓

Q And it is a fact, however, that you and Mr. Kimbro drove to New York?

A That's correct.

Q And in another, in a separate car Landon Williams and George Sams left?

A Yes.

MR. GARRY: May I inquire what day we are talking about?

MR. MARKLE: I'm talking about May 15th, 1969. Thursday.

BY MR. MARKLE:

Q And do you recall also that -- well, question withdrawn.

You went to New York with Mr. Kimbro?

A In his car, yes.

Q In his car. And there was no one else in that car, isn't that right?

A No, there wasn't.

Q And did you discuss at that time what the position was of Mr. Landon Williams?

A I don't recall.

Q You don't recall. Did it come to your attention that Mr. Williams was an Acting Field Marshal in the Black Panther Party?

 ✓

A I don't remember it coming to my attention, no.

Q Did you ever learn that, that while he was on the East Coast, he was acting in the capacity of a Field Marshal?

A No, I didn't.

Q You never knew that?

A No.

Q When they had come to your apartment on May 13th, 1969 -- that Tuesday night -- when Landon Williams and George Sams and Warren Kimbro had come to your apartment --

MISS RORABACK: If your Honor please --

MR. MARBLE: I'm sorry if I've got the wrong date.

MISS RORABACK: No. I believe that Mr. Marble is assuming certain dates. I believe Mrs. Huggins' testimony was that she didn't remember the dates. I object to him trying to pin down a time that she does not remember.

THE COURT: Well, take it up on redirect.

BY MR. MARKLE:

Q Do you recall on that Tuesday -- which I believe was a Tuesday -- March 13th when they came to your apartment --

THE COURT: No, no.

MR. MARKLE: I'm sorry.

Q -- May 13th, Mr. McLucas being present at your apartment?

A Well, whatever day it was that they came, Lonnie McLucas was present, yes.

Q And did he, -- he sat in on a conversation that you had with Mr. Williams, didn't he?

A Part of it, yes.

Q And did he indicate at that time that he knew him from Oakland?

A I don't remember.

Q You don't recall? But he did sit in on it, is that correct?

A Part of it, yes.

Q And when you say "part of it," where did he go?

A Well, he, he came in after Landon and George had been there for a few minutes.

Q Who did he come in with?

A He came in from another room.

Q From another room?

✓

A Yes.

Q And would you describe your apartment to us, the one at Hurlburt Street?

A Describe it?

Q Yes, how many rooms were there?

A Well, there was a large living room area which, you know, like had sort of two parts to it. There was a kitchen area and two bedrooms, and a very small bathroom.

Q Now, what area did he come in from?

A From one of the bedrooms.

Q He came in from one of the bedrooms in the apartment?

A Yes.

Q And whose bedroom was that, who used that bedroom?

A He did.

Q And anyone else?

A And Peggy.

Q And anyone else?

A And Peggy's children, sometimes.

Q So there were four people in that bedroom?

A Sometimes.

Q Sometimes? And the other bedroom, whose bedroom was that?

A Mine.

Q And who used that?

✓

A I did.

Q With whom?

A No one.

Q Where did you keep your child?

A In -- sometimes the kitchen area, sometimes in my bedroom.

Q And there was, in addition to that, the kitchen, is that correct?

A Yes.

Q And that's where you met with Landon Williams, Warren Kimbro and George Sams, correct?

A That's correct.

Q And it was into that kitchen that Mr. McLucas came?

A Yes.

Q And did he then stay throughout the conversation, until they left?

A I don't remember. He might have.

Q Now, on the -- the next time, when you went to New York, when you went to New York where did you go, and I have reference to the trip you made with Mr. Kimbro, and at the same time Landon Williams and George Sams had gone in another car.

A Well, I don't know exactly where it was. But it was an apartment in Brooklyn, if I remember correctly.

✓

MISS RORABACK: Could that be read back, your Honor?

THE COURT: It may be read.

(The court reporter complied.)

BY MR. MARKLE:

Q And can you give me approximately the time you arrived there?

A No.

Q Can you give me the time that the meeting had started that day with the group from Hartford, and your own group, and Landon Williams?

A No.

Q You can't fix those times at all?

A It's very hard. I think it was evening.

Q It was evening?

A Yes.

Q And did it go into the early morning hours when you returned to New Haven?

A I think it did, yes.

Q And where was your child at that time?

A At Orchard Street, if I remember correctly.

Q And who was at Orchard Street at that time?

A When we got back, or when we left?

Q Well, give me when you left, first.

✓

A Well, I think I remember when we got back a little bit better, so I'll give you that.

Q Who was there when you got back?

A I can remember seeing Rose Smith and Maude Francis.

Q Rose Smith and Maude Francis?

A Right.

(Page 2986 follows; no omission.)

✓

Q And Maude Francis is the girl that testified here on behalf of the State, isn't that right?

A That's correct.

Q And how old was she at the time?

A I don't know.

Q You had, you didn't know at the time how old she was, or you don't know now?

A You asked me at the time?

Q Yes.

A I didn't, like I sort of took it for granted that she was around 19. But I didn't really know for sure.

Q Now, is it not a fact that Maude Francis had come up from the Bridgeport Chapter in early March? When did you first meet Maude Francis and Rose Smith, let me ask you that?

MISS MORABACK: Could that question be reread, your Honor?

THE COURT: The last question? Read it.

(The court reporter complied.)

MR. GARRY: It's a compound question, your Honor.

MR. MARKLE: I withdraw it.

THE COURT: I know it is.

You're withdrawing the first one?

V

MR. MARKLE: Yes, sir.

THE COURT: All right.

BY MR. MARKLE:

Q When did you first meet Rose Smith and Maude Francis?

A It seems as though it was the end of February, but I'm not sure.

Q And would it be fair to say that through the month of March you saw them quite often, Rose Smith and Maude Francis?

A Yes.

Q And you never asked their age, or anything about them?

A I asked them lots of things about themselves, but I can't remember whether I asked Maude what her age was.

Q Where was Maude Francis from?

A She said that she was from New Jersey.

Q And where was Rose Smith from?

A She said that she was from New Jersey.

Q And did they work as Panthers?

A Yes.

Q And did they tell who they came up from New Jersey with?

A At what time?

✓

Q Didn't they tell you they came up with Lonnie McLucas, and had come on to open the Chapter with McLucas and Gonsalves?

A No.

Q They didn't tell you that?

A No.

Q You never found that out?

A They said that they came from New Jersey to New York.

Q With whom?

A With Jose Gonsalves.

Q And Mr. McLucas, too? Didn't they mention him?

A At the time that they left New Jersey, according to what they said, Lonnie was already in New York.

Q And did Lonnie work in New York for a while?

A With the Black Panther Party?

Q Yes.

A Not to my knowledge.

Q Never discussed that with him either?

A With them?

Q Did you ever discuss that with McLucas -- yes.

A Did I discuss what?

Q That he had worked in New York for the Black Panther Party?

A I didn't discuss it with him. He said he didn't

work in New York with the Black Panther Party.

Q And did they say that they had worked in New Jersey for the Black Panther Party -- and I have reference to Maude Francis --

A Yes.

Q -- and also Rosemarie Smith?

A Yes.

Q And they were not Panthers in training, were they?

A Yes.

Q They were Panthers in training?

A Yes.

Q And was Loretta Luckes there in May of 1969?

A Was she -- where?

Q In New Haven?

A In May of -- yes.

Q And was she a Panther in training?

A Yes.

Q Now, these Panthers in training attended these meetings, didn't they, with Landon Williams?

A No.

Q They weren't down in the basement?

A Not to my knowledge.

Q Now, when you came back from New York, you did not see the .45 at all, is that your testimony, or don't you recall?

A I don't remember seeing it.

Q You don't remember seeing the .45?

A No.

Q And so you don't recall it being placed in the trunk of the car before you left New York?

A No.

Q Do you remember Mr. Kimbro going to the trunk of the car with Mr. Hithe?

A No.

Q And when you got here, where did you come with Mr. Hithe? Where did you take him -- bring him?

A When I got where?

Q Back to New Haven.

A Ot Orchard Street.

Q And where did he spend that evening or morning hours?

A At which do you mean?

✓

Q On that Friday, when you brought Mr. Hithe back to Connecticut.

A You asked two things, where did he spend the evening or the morning. Which one do you want?

Q All right. Do you know where he spent the evening?

MISS RORABACK: Evening of what day?

BY MR. MARKLE:

Q When you went down and met him?

A When we went down and met him, he came back, and that morning he stayed at Orchard Street.

Q Stayed at Orchard Street?

A Yes.

Q And the next day you saw him, is that correct?

A Did I see him the next day also?

Q Yes.

A Yes.

Q And that was the day, Saturday, when you held the retreat?

A That's correct.

Q And is it not a fact that he participated in that retreat?

A Yes.

Q And you heard Margaret Huggins testify that he said if Gonsalves was seen, he was to be detained?

MISS RORABACK: That's not the testimony, your Honor, and I would object to it.

MR. MARKLE: I would submit that it is.

THE COURT: Take it up on redirect.

MISS RORABACK: It's not detained, your Honor.

BY MR. MARKLE:

Q Did you hear that?

THE COURT: Do you want the question read?

THE WITNESS: Yes.

THE COURT: Read it, Mr. Reporter.

(The previous question by Mr. Markle was read by the court reporter.)

MR. GARRY: Excuse me, your Honor, but I'm going to object.

That is not a question, that is a statement on the part of the prosecution. If there is going to be a question, it should be a question.

THE COURT: Well, I think it's a question. He is asking if she heard that. That's my interpretation.

MR. GARRY: Well, if that's --

THE COURT: Do you want to clarify it, Mr. Markle?

BY MR. MARKLE:

Q Did you hear Mr. Hithe say that at the meeting?

MISS RORABACK: If your Honor please, that's a different question.

THE COURT: No. No.

Mr. Markle, first you asked did you hear the prior witness testify to this. Now you are asking did you hear Mr. Hithe say this.

MR. MARKLE: I will withdraw it.

THE COURT: Which way do you want it?

MR. MARKLE: Your Honor is correct.

BY MR. MARKLE:

Q Did you hear Mrs. Hudgins testify to that, Mrs. Hudgins testify to the fact that Rory Hithe, at that retreat, said that if Gonsalves was seen, he was to be detained and brought back to the Kimbro apartment?

A No.

Q You didn't hear that?

✓ A (No response.)

Q You didn't hear her testify to that?

A I didn't hear her testify to that, no.

Q Did you hear her testify to anything with relation to Gonsalves?

A I don't remember.

Q You don't recall, from sitting here and hearing Mrs. Hudgins testify, what she said about that?

A No, I don't.

Q Do you remember -- question withdrawn.

On that Saturday, do you remember Mr. Hithe taking part in the political education class?

A Yes.

Q And do you remember him talking about Mr. Gonsalves?

A He and a lot of other people, yes.

Q And what did he say about Mr. Gonsalves?

A I can remember him saying that if anybody saw him,

✓

to tell him he wanted to talk to him.

Q That he, Rory Hithe, wanted to talk to Gonsalves?

A Yes.

Q And did he announce that to the meeting?

A No, he didn't make an announcement. Somebody asked him.

Q Do you recall who asked him?

A No, I don't.

Q And he was present when the telephone call came, you testified, isn't that correct?

A Yes.

Q When Mr. Kimbro took the telephone call from Gonsalves?

A Yes.

Q And did he talk to him?

A No.

Q He didn't talk to him?

A No.

Q And isn't it a fact that one of the reasons -- you testified that Mr. Gonsalves had been expelled from the Party, is that right?

A That's correct.

Q And when did that happen?

A It must have been the first week -- the beginning of the second week of May.

✓

Q Now, that's the Mr. Gonsalves that had come from Oakland, correct?

A No.

Q That's not the same one that had come up with Mr. McLucas?

A He had come from New York.

Q Hadn't you earlier received a phone call telling you that two brothers were coming up from Oakland, and that you were to assist them in setting up a chapter?

A That's correct.

Q And isn't that the same Gonsalves they told you was coming up?

A Yes.

Q And in point of fact, you received more than one phone call, didn't you, about that?

A About him coming from --

Q Yes, from Oakland.

A Not that I remember. I remember that one.

Q Well, didn't you testify that you got telephone calls about that yesterday?

A Not telephone calls, no.

Q So if you said that, that's incorrect?

A I didn't say that.

Q And when you -- when they came -- Mr. Gonsalves, had

✓

you ever seen him carrying a weapon?

A Yes.

Q And what did he carry?

A A hand gun.

Q And where did he carry it?

A I don't remember.

Q You don't remember where he carried it?

A No.

Q And didn't he carry it often?

A I don't know.

Q And, as a matter of fact, isn't one of the reasons that you moved out of Mr. and Mrs. Huggins, Sr.'s apartment, or house, was because they did not like Gonsalves being around the house?

A No.

Q No?

A No.

Q That had nothing to do with it?

A No.

Q And they are extremely well-respected in the community, aren't they, both Mr. and Mrs. Huggins, Sr.?

A I would say that they are.

Q And so it came about that when you -- now, directing your attention back to that Saturday, there came a time in the

✓

evening when you went back to the Kimbro apartment, right?

A On Saturday?

Q On Saturday.

A After the meeting you mean?

Q That's right.

A Yes.

Q And you had told us that just before that there had been a meeting, as I recall, at your apartment -- rather at Yale, with just a few people there, is that not right?

✓A (No response.)

Q It was a small group, about four or five people, in the afternoon, about four or five people from Hartford, and Margaret Huggins, Lonnie McLucas, Loretta Luckes, Warren Kimbro and yourself?

A That was later on in the evening.

Q That was later on in the evening?

A Yes.

Q And where was that held?

A At Yale.

Q Where?

A At Yale.

Q And wasn't Rory Hithe there?

A Not that I remember, no.

Q Not that you recall?

✓

A No.

Q And when you came back to the apartment, the Kimbro apartment, later that night, who was there?

A A lot of people.

Q All right. Did you see David Brothers?

A Yes.

Q And what rank did he hold in the Black Panther Party in New York State?

A Deputy Chairman.

Q Of the entire Party in New York State, right?

A Of the State chapter, right.

Q And did you see Zayd Shakur?

A I saw a man who I later found out was Zayd Shakur.

Q Did you find out what position he held in the Black Panther Party in New York State?

A Then?

Q Yes.

A No.

Q Did you find out subsequently?

A Yes.

Q And wasn't he Deputy Minister of Information?

A I think that's what he was. I'm not sure.

Q And did you see Tina Waites?

A I met a sister whose first name I knew to be Tina.

✓

Q And wasn't she secretary to Shakur?

A I don't --

Q You didn't know that either?

A No.

Q And, in addition to that, wasn't there a Brenda Hyson?

A I don't remember anyone named Brenda.

Q You don't remember a sister named Brenda?

A No.

Q She was on the Central Committee of the New York chapter?

MISS RORABACK: Please, is Mr. Markle testifying now?

THE COURT: This is cross-examination.

BY MR. MARKLE:

Q Did you meet a Brenda Hyson?

A I said I don't know her by name.

Q And Rosemary Bird?

A I met a sister named Rosemary.

Q And wasn't she on the Central Committee of the New York chapter, of all of New York State?

A There is no such thing as a central committee in a State chapter.

Q There is no such thing as a central committee?

A The central staff.

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Q Central staff. Was she a member of the Central Staff?

A I don't know.

Q You don't know, and you never found out?

A No.

Q And you also saw Alex Rackley?

A Yes.

end tk.

(Page 3002 follows; no omission.)

✓

BY MR. MARKLE:

Q When they got there, they just sat around and talked to you, is that right?

A Yes.

Q And Landon Williams was there, wasn't he?

A He wasn't participating in that conversation, no.

Q He was present on the Kimbro premises, wasn't he?

A Somewhere, yes.

Q You don't know where he went?

A No, I don't.

Q And Rory Hithe was there?

A I think he was.

Q And you don't recall him participating in the conversation about the retreat?

A No.

Q And George Sams was there?

A Yes.

Q And he was also not around when you were talking about the retreat, is that a fact?

A He was in the living room.

Q He was in the living room. Isn't that where Landon Williams and Rory Hithe were?

A I don't know.

Q And when you had -- when you had the conversation

with -- did you have a conversation with Landon Williams and Rory Mithe that night, Saturday night?

MR. GARRY: That's a compound question. First, he asked one question, and then another.

THE COURT: Would you straighten it out, Mr. Markle.

I think you stopped in the middle of the first question.

MR. MARKLE: All right.

BY MR. MARKLE:

Q Did you have a conversation on Saturday night with Landon Williams and Rory Mithe?

A I can remember talking to Landon.

Q And what did you talk about?

A Lots of things. Nothing in particular.

Q Was there a conversation about the New York 21, the arrest?

A It wasn't really a conversation, no.

Q Well, what was said?

A I can't recall everything, but I can remember that it sort of entailed who the 21 people were and what could be done to sort of get the Chapter going again, that's all.

Q And in point of fact, wasn't there talk about the fact that the Chapter had been infiltrated?

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A I don't remember a conversation about that.

Q You don't recall it?

A No.

Q Wasn't there conversation about cleaning out the Chapter and tightening it up because there was suspected informants in the Party?

A Not while I was present, no.

Q You don't recall that?

A No.

Q And when that night -- during the night, do you remember talking to Landon Williams about anything else?

A I suppose I did.

Q And didn't it have reference to the New York 21 and the New York Chapter?

A Not to my knowledge, no.

Q Are you telling me it didn't take place, you didn't have that conversation?

A No, that's not what I said.

Q You don't recall?

A I said that, to my knowledge, I don't remember any other conversation about New York.

Q And do you recall the Brenda Hyson or the woman you didn't know but the sister and Rosemary Bird and Zayd Shakur and Chairman Brothers leaving the premises?

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A I can't tell you whether I recall the woman you say is Brenda Nyson -- is that correct -- leaving, because I don't know who she was, but I remember when Chairman Brothers and Zayd left and Rosemary left.

Q Let me ask you this, if you don't remember that. How many people came down from New York that Saturday and talked to you?

A There must have been five.

Q And how many remained after you saw Brothers leave?

A Of those five people?

Q Yes.

A None of them.

Q None of them?

A No.

Q Alex Rackley didn't remain?

A I wasn't talking to Alex Rackley.

Q He had come down from New York with them, hadn't he?

A But I was trying to answer your question about how many of the people that were talking to me remained.

Q Let me ask you this then. Who remained from New York who had come down that evening, Saturday evening?

A George Sams and Alex Rackley.

Q And did Landon Williams and Rory Rithe leave?

A I think that they did.

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Q And did Chairman Brothers and his party leave?

A I think so, yes.

Q And so it is fair to say that the only persons that were left were George Sams and Alex Rackley?

A Yes, from what I recall, right.

Q And did Landon Williams and Rory Nithe leave with you or did they leave first?

A I don't remember. I know that I left but I don't remember who left with me.

Q You don't remember how you got to Hurlburt Street?

A I don't know who drove me.

Q Before you left, George Sams took you aside, is that correct?

A That's correct.

Q And told you that he suspected Alex Rackley, and that he wanted a sister to sleep with him?

A No, he told me that he wanted a sister who was standing there, who turned out to be Maude, to get information from Alex by any means necessary.

Q By any means necessary?

A Yes.

Q And, at that time, you asked him why?

A Yes.

Q And what did he tell you?

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A When I asked him why?

Q Yes.

A He said because he thought -- that there was something strange about him and to just -- for me to just do what I was told.

Q Didn't he tell you that he thought he was an informant?

A He said that in the beginning.

Q He told you that in the beginning?

A Yes.

MR. MARKLE: Can I have that answer read.

THE COURT: Read the last two questions and answers to get the whole thing.

(The last two questions by Mr. Markle and the last two answers of the witness were read by the court reporter.)

BY MR. MARKLE:

Q And when he told you that, did you ask him why he thought that?

A I don't remember.

Q You don't recall that?

A No.

Q And when he told you to have a sister get information from him by whatever means necessary, you called Maude Francis over?

A No, I asked him why he wanted Maude Francis to do that.

Q To do what?

A To try to get information from Alex Rackley.

Q And what did he say?

A He told me again, that I should do what I was told and not ask questions.

Q Did you follow that order?

A Yes, I did.

Q So then, at that stage, you were following orders from George Sams, is that right?

A Yes.

Q And you didn't know what position he held in the Black Panther Party?

A It didn't have anything to do with his position.

Q It had nothing to do with his position?

A I was afraid of him. That's why I followed his orders.

Q You were afraid of him at that stage. In that apartment at that time, when he gave you that order, was Warren Kimbro?

A I didn't understand your question.

Q At the time he gave you that order concerning Maude Francis, there was in the apartment Warren Kimbro?

A He wasn't in the room.

Q He was in the apartment, wasn't he?

A I don't know.

Q Landon Williams?

A I don't remember seeing him there.

Q Rory Hithe?

A No.

Q Lonnie McLucas?

A No.

Q None of those brothers were on the premises, is that what you are telling us?

A They weren't in the room with George Sams and I.

Q I am asking you whether or not they were there at the Kimbro apartment?

A I don't remember.

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Q You don't remember. So then you told Maude Francis whatever you told her?

A Yes.

Q And then you went home?

A Yes.

Q And you got a ride from someone, didn't you?

A Yes.

Q And who was it?

A It was either Landon or Warren.

Q Now, when you got in the car, did you have a conversation with either Landon or Warren about the instructions and the order that had been given to you by George Sams?

A No.

Q Not at all?

✓A (No response.)

Q And you freely left those premises and went back to your own apartment?

A The term, "freely." I don't understand what you mean.

Q No one told you, you couldn't leave the premises of the Kimbro apartment?

A No one told me that.

Q No one followed you out of the Kimbro apartment?

A No.

Q You just went to your own apartment?

A Yes.

Q And at your own apartment was Lonnie McLucas?

A I can't be sure. He might have been there.

Q There is no question that he was using that apartment to sleep at, was there?

A That's true.

Q And so is it fair to say that sometime during those morning hours of Sunday morning, Mr. McLucas came to that apartment, your apartment?

A Yes.

Q And when you got back to your apartment, what did you do?

A I think I went to sleep.

Q And you testified you woke up the next morning?

A Yes.

Q Correct. And when you woke up, was Mr. McLucas at your apartment?

A I think so.

Q And did you discuss the matter of the order concerning Maude Francis and your fear of George Sams at that time with Mr. McLucas?

A Not that I remember, no.

Q And Mr. McLucas was an Acting Lieutenant in the Black Panther Party, wasn't he?

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A Yes.

Q And did you go to a telephone and call anyone about George Sams' order concerning Maude Francis?

A Go to a telephone? No.

Q Did you contact anyone in the Black Panther Party about what he had told you?

A No.

Q Did you call anyone and tell them at that time that you were afraid of him?

A No.

Q And did you tell anyone that he was on the premises giving orders that you thought were wrong?

A There was no one I could talk to about it.

Q Well, you heard Elaine Brown testify that she talked to you almost every day by telephone. Did you tell her?

A No.

Q There was your mother-in-law and father-in-law. Did you tell them?

A No.

Q There were numerous people that you knew in the community from speaking, clergymen and otherwise; did you tell them?

A No.

Q And now you went back the next morning -- this is

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Sunday morning -- to the Kimbro apartment, is that correct?

A Yes.

Q Where was your child?

A I think she was with me.

Q So, then, is it fair to say that you brought your child back to this apartment where Sams was?

A Yes.

Q And when you got back there -- how did you get over there on that Sunday morning?

A I think that morning Warren drove me over there.

Q Did you talk to Warren that morning about the order that had been given the night before concerning Maude Francis?

A No, I didn't.

Q Did you tell him you were afraid of George Sams?

A No.

Q And you drove back with your child, and you drove back to the Kimbro apartment, is that correct?

A Yes.

Q And no one ordered you to go back to the Kimbro apartment?

A No.

Q And you went back to the Kimbro apartment to carry out Party functions, didn't you?

Done

A Yes.

Q And you entered the Kimbro apartment, and it is your testimony you then saw George Sams?

A Yes.

Q And Alex Rackley?

A Yes.

Q And it's your testimony that at that time they were both in the living room?

A That's correct.

Q And Warren Kimbro was there?

A Yes.

Q And in addition to that, some of the other sisters were there, were they not?

A Not in the living room, no.

Q In the kitchen?

A Yes.

Q Who was in the kitchen at that time?

A I'm not sure of each person. I really can't remember.

Q Well, did you leave your child with anyone?

A I believe that she was asleep in one of the rooms but I can't remember where or either she could have been in the kitchen with one of the sisters. I really can't remember.

Q And was it at that time that the conversation with Mr. Rackley began, after you had placed your child some place

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in the apartment?

A Shortly after.

Q And it was your testimony that at that time he was sleeping on one of the couches, is that correct?

A Yes.

Q I show you this, and ask you what that represents?

(Witness shown sketch.)

A The first floor of the apartment at Orchard Street.

MR. MARKLE: I would offer this, your Honor.

MISS RORABACK: Can I ask one or two questions?

THE COURT: Certainly.

BY MISS RORABACK:

Q Mrs. Huggins, you have identified this as the first floor. Is it correct to say that that is a drawing of the layout of that first floor of that apartment?

A Yes.

Q And is that absolutely to scale, Mrs. Huggins, if you know?

MR. MARKLE: If there is any question, I am not claiming it to scale. I am claiming it to assist the jury, that's all, of the layout of the place.

THE COURT: There is no claim of that.

MISS RORABACK: I didn't know.

THE COURT: You are claiming it as just a sketch?

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MR. MARKLE: Yes.

MISS RORABACK: He hadn't said so before, your Honor. I just wanted to make it clear.

BY MISS RORABACK:

Q On that drawing, there is something marked, "cellar door." Can you tell me whether or not that is in the position, in relationship to the other walls and the other fixed parts of the building, is that the correct position of that cellar door, if you know?

A No.

Q Where did that cellar doorway -- where was that in relationship to the living room and the kitchen?

A It would have been more directly across from the counter opening in the kitchen than it is in the sketch.

Q There are various pieces of furniture shown there. Are they generally in the position that you remember them, Mrs. Huggins?

A Pretty much so, yes.

MISS RORABACK: I have no other questions.

MR. GARRY: I object to it on the grounds that there is no proper foundation. It is certainly not accurate to bring in a drawing that has no metes and bounds in it. It has no descriptions as to the length and width of the area, and just the general

atmosphere doesn't mean anything.

THE COURT: All he is claiming it is to be a sketch showing the layout of the first floor of the premises at Orchard Street, just a sketch.

MR. MARKLE: If she claims that's not where the door is, then wherever she says the door is, I will accept it.

MISS RORABACK: I just wanted to make sure that was clear.

THE COURT: I will overrule your objection, Mr. Garry.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

MISS RORABACK: May I ask what number that is?

THE COURT: Exhibit YY in the Seale case --

MR. GARRY: I don't think it should be Mr. Seale's exhibit.

THE COURT: No, it's a State exhibit, but I have to give it different numbers for the Seale case.

MR. GARRY: I'm sorry. I'm with you now.

THE COURT: And what do you have on the other one?

THE CLERK: VV in the Huggins case, your Honor.

(The sketch referred to was received in evidence as STATE'S EXHIBIT YY relating to the Seale case and

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STATE'S EXHIBIT VV relating to the Huggins case.)

THE COURT: All right.

The jury that would like the aspirin, would
you like a short recess?

A JUROR: Yes.

THE COURT: You are excused.

The sheriff will attend to it.

(The jury was excused at 10:45 A.M.)

end tk.

(Page 3019 follows; no omission.)

MISS RORABACK: May Mrs. Huggins step down?

THE COURT: No, they'll be out in a minute.

Would you inquire, Sheriff, please.

(The jury returned at 10:50 A. M.)

THE COURT: All right, ladies and gentlemen.

Mr. Markle?

MR. MARKLE: Thank you, your Honor.

BY MR. MARKLE:

Q You have in front of you -- what does that card-board represent that's in front of you?

A The second floor of the apartment at Orchard Street.

Q The second floor of the Kimbro apartment?

A Yes.

MR. MARKLE: I would offer this also, your Honor.

MISS RORABACK: Again, may I inquire, I assume you are just offering this, you are not offering it for completeness and accuracy?

MR. MARKLE: No, I'm not claiming it's to scale at all.

MISS RORABACK: I have no, no objection, your Honor.

MR. GARRY: I object to it upon the grounds that it does not represent the metes and bounds.

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And it is only a drawing that has no relationship to the actual dimensions of the premises.

For that reason, I object, and claim a proper foundation has not been laid.

THE COURT: I'll overrule your objection.

It's been offered as a sketch of the second floor. It's been identified by the witness as representing a true sketch in the layout of the second floor.

MR. GARRY: Exception, your Honor.

MISS RORABACK: Might I qualify that, your Honor? I don't think she said it was a "true" representation of the second floor. She said it was a sketch.

THE COURT: I'll take back the word "true."

MISS RORABACK: Thank you, your Honor.

THE COURT: It's a sketch of the layout of the second floor, that's all.

MR. GARRY: May I have an exception?

THE COURT: Exception may be noted.

That's Double Z in the Seale case --

MR. MARKLE: Double Z, your Honor.

THE COURT: -- and double W in the Huggins case.

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(The document referred to was marked as STATE'S EXHIBIT WW in the Huggins case and STATE'S EXHIBIT ZZ in the Seale case in evidence.)

MR. MARKLE: I'm just waiting for some thumb tacks, your Honor.

Mrs. Huggins, can you see this exhibit, which is State's Exhibit VV and YY? Can you see it?

THE WITNESS: No.

MR. MARKLE: You cannot see it from there?

THE WITNESS: No, I can't.

MR. MARKLE: All right.

(The easel was moved closer to the witness.)

MR. MARKLE: With the Court's permission, could we put it on the side because she can't seem to see it from there?

THE COURT: No, then the jury is going to have to crane and get cricks in their necks.

Can she move down there?

MR. MARKLE: Yes, all right. She said -- fine. Bring it over here, will you?

(The easel was again moved.)

THE COURT: Now, can the jury see it from there?

Okay, you'll have it later and the labels will be pointed out so you will understand.

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Everyone has a good view of it from the jury box?

MR. MARKLE: Can you all see it, or do you want --

THE COURT: All right.

MR. MARKLE: Do you think, if we, maybe if I just move it over here, it would be even closer.

THE COURT: Go ahead.

(The easel was again moved.)

MR. MARKLE: With the Court's permission,
may the witness step down?

THE COURT: You may step down.

MR. MARKLE: Would you step down?

(The witness at the easel.)

BY MR. MARKLE:

Q Would you show me where Mr. Rackley was sitting
and sleeping on that Sunday morning?

THE COURT: Do you have a pointer, there,
Mr. Markle?

MR. MARKLE: Yes, sir.

THE WITNESS: Right about there. (Indicating)

MR. MARKLE: And for the record, your Honor,
she indicates on that exhibit a point nearest the
TV set, to the right of the picture.

BY MR. MARKLE:

Q Is that correct, Mrs. Huggins?

A Yes.

MISS RORABACK: I'd like to clarify it further
on the record.

MR. MARKLE: Sure.

MISS RORABACK: I suggest she is pointing to
an object marked "sofa," that is on the wall
between the kitchen and the living room area,

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and at the right hand end of that sofa.

MR. MARKLE: Thank you, fine.

BY MR. MARKLE:

Q Where was Mr. Sams when you first saw him?

A I believe he was on this sofa (indicating).

I don't know exactly where, but closer to this end (indicating).

Q That's the sofa on the very right wall of the apartment, and of the exhibit, is that correct?

A Yes.

Q And where were you located?

A When I first came in, I was standing right about here, I guess (indicating).

Q Right there. You indicate -- would you just hold the pointer for a moment so I might indicate it.

You indicate in front of the table that's in front of the sofa, to the right of the photograph, against the right wall, is that correct?

A Yes.

Q All right. Would you resume the stand, please?

(The witness complied.)

Q Where was your child at that time?

A Where was she? She was asleep.

Q Where?

A I can't really remember, you know, whether or not I

left her with one of the sisters or put her upstairs. I can't remember.

Q And it was at this, approximately what time was this on Sunday morning?

A Between 9:00 and 10:00 somewhere.

Q And when you came in, Mr. Rackley was sleeping, is that correct?

A Yes.

Q And this was a brother who had come from New York, that much was known to you at that time?

A Yes.

Q And that's all you really knew about him, is that not correct?

A Yes.

Q That he was a Panther from New York?

A Yes.

Q And he was sleeping on that sofa that you have indicated, and you walked over to him and gave him a kick, is that correct?

A No, that's not correct.

Q What happened?

A I asked him why he was sleeping. Well, first of all -- let me correct myself -- I called his name. And he didn't wake up.

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Q You called his name and he did not wake up?

Who else was in that living room at the time?

A George Sams.

Q And who else?

A No one, I believe.

Q Warren Kimbro wasn't in the room?

A I think he had left the room.

Q He had left the room?

A Yes.

Q Did you see any of the sisters?

A As far as I know, they were in the kitchen.

Q And who was in the kitchen?

A I can't be sure which ones they were. I said that before.

Q And do you remember Maude Francis being there?

A Being in the house?

Q On that morning, when you came in?

A Yes, I think so.

Q And do you remember Rose Smith being there?

A I think she was.

Q And Loretta Luckes?

A I'm not sure.

Q Was Margaret Huggins there?

A I can remember Peggy coming in later.

Q But she wasn't there?

A When I first got there?

Q Yes.

A No.

Q And was Mr. McLucas there?

A Not when I first got there, no.

Q And was George Edwards there?

A No.

Q And when you came in you called out his name, is that correct, into the living room?

A I'm trying to remember whether or not I called him by his name, or called him "Brother." But, anyway, I tried to get his attention. I tried to wake him up.

Q And that was at approximately 10:00 o'clock, is that a fair statement?

A Somewhere between 9:00 and 10:00. I can't be sure.

Q And at that point, after you called his name, you went over and kicked him?

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A You know, it really wasn't a "kick." I went over, and I took my foot and nudged his.

Q Well, did you tell, on cross examination by Mr. Garry, you were asked, what you said on the tape was correct, and if there was something incorrect, the brothers corrected you when that tape recording was made on that morning, Sunday, isn't that true?

A They tried, yes.

Q And they tried to correct you?

A You mean -- like, I really, I could hear some of the things they were saying. And some of the things I couldn't hear.

Q Well, did they constantly correct you, or did you relate what had happened on that Sunday morning on that tape?

A As, as, it was half and half. They were helping, and I was talking.

Q And was it true what you were saying on that tape?

A Are you talking about something specific?

Q I'm talking about what you, when you opened that tape, what you said; was it true?

A I'm not so sure.

Q You're not so sure? Would you say it was half and half, that they corrected you on what you said on the tape?

A Yes.

MR. MARKLE: I'm going to ask that that tape be played, the opening, your Honor. And I would ask that she tell me when she is corrected.

MR. GARRY: If your Honor please --

MR. MARKLE: I want the jury to hear it.

MR. GARRY: -- if your Honor please, there's a transcription of that.

THE COURT: They don't have it, the jury doesn't have the transcription.

MR. GARRY: Beg pardon -- I know, but we have a transcript that can be read.

THE COURT: Do you want to use that?

MR. MARKLE: No, I want the tape, and I want her to stop it when she is being corrected. I would like that opportunity to show it, your Honor. I think it's the only way I can show what she did and what they did.

MISS BORABACK: If your Honor please, I think it's clear that -- Mr. Markle has already played that tape once -- I think it's clear Mrs. Huggins has testified as to what happened, and I think the jury has heard it and can make their own judgment. I would object to replaying it at this time.

MR. MARKLE: I don't want to replay the whole

tape.

THE COURT: Well, this is cross examination. All he's talking about is the opening remarks made by your client. You brought certain things out on direct examination about it.

I'll permit that part of it to be replayed.

MR. MARKLE: Thank you, your Honor. Might we set it up?

MR. GARRY: Objection on the part of the defendant Seale, who has nothing to do with the tape and was not involved in any way. It's highly prejudicial to play that again.

And on that basis I object on behalf of Mr. Seale.

THE COURT: I will overrule your objection.

MR. GARRY: Exception, your Honor.

THE COURT: Exception may be noted.

THE COURT: You all set?

Do you have a question to put to the witness
before the tape is played?

MR. MARKLE: I do, your Honor.

BY MR. MARKLE:

Q Mrs. Huggins, will you ask the Corporal to stop
whenever you are being corrected by or being told what to say
by either George Sams or Warren Kimbro?

✓ A (No response.)

Q Will you ask him to stop the recording and point that
out?

THE COURT: Do you understand, Mrs. Huggins?

THE WITNESS: I understand what he is saying.

THE COURT: All you have to do is say "Stop,"
just say the one word, and he will stop it.

All right, go ahead.

(The playing of the tape commenced.)

"KIMBRO: Testing, testing, 1, 2, 3,

"SAMS: Testing, testing, 1, 2, 3,

"HUGGINS: Testing, 1, 2, 3, testing, 1, 2,

"MALE VOICE: The pig power structure and its
mechanical tool -

"Testing, testing, testing

"HUGGINS: Ericka Huggins, members of the New

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Haven Chapter Black Panther Party, Political Education Instructor. On May 17th at approximately ten o'clock, Brother Alex from New York was sleeping in the office, that is a house that we use as an office, and I kicked him and said Mother Fucker wake up because we don't sleep in the office and we relate to reading or getting out. And so Brother Alex picked up a book, selected military writings of Mao Tse-Tung and began to read. I was talking to Brother George and Warren and George looked over at Alex and said, Brother I thought you couldn't read, you told me you couldn't read before."

THE WITNESS: Stop.

THE COURT: Hold it.

THE WITNESS: Yes.

THE COURT: Did you say something?

THE WITNESS: Yes.

I was under the impression that you meant throughout the whole tape were they helping me correct things, not that in the beginning you meant this.

BY MR. MARKLE:

Q At any point, at that point, you hadn't been interrupted?

A (No response.)

MR. MARKLE: Can it go on?

THE WITNESS: At that point, no.

MR. MARKLE: Okay.

THE COURT: Wait a minute, let me understand things.

Are you now saying, Mrs. Huggins, that you were not interrupted at all during the opening remarks?

THE WITNESS: Sitting here, thinking about it, I find out that that's what Mr. Markle means.

THE COURT: Yes.

Well, that's what he meant.

THE WITNESS: I didn't understand it to be that way.

THE COURT: Are you saying now you were not interrupted during your opening remarks at all, by anyone? Is that what you are trying to tell me?

THE WITNESS: Right.

THE COURT: Well, if that's so, there is no point particularly in playing the rest of it.

MR. MARKLE: Except that, your Honor, I respectfully submit, this is an afterthought, and she was participating in this opening --

THE COURT: Whether this is an afterthought or not, if she now says she was not interrupted at all

during her opening remarks, that's that.

MR. MARKLE: If your Honor so rules, all right.

THE COURT: All right.

Is that a fact, Mrs. Huggins?

THE WITNESS: Yes. Like it depends on what Mr. Markle is saying.

THE COURT: Well, would you put your question to the witness, and let's get it straight, without any --

BY MR. MARKLE:

Q You were asked yesterday whether or not, if there was something incorrect on the tape, you were stopped and corrected by the brothers. Do you remember that?

A Yes.

Q And you were asked about kibitzing. Do you remember that?

A Yes.

Q And you said, "Yes," you were?

A Yes.

Q And I now put it to you: Were you corrected by the brothers, or did you relate exactly what happened on that Sunday morning?

MISS RORABACK: That's a compound question, your Honor.

MR. MARKLE: It's not a compound question.

THE COURT: Well, rephrase it.

(Page 3036 follows; no omission.)

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BY MR. MARKLE:

Q Did you relate exactly what happened on that tape on that Sunday morning?

A No.

Q And so you were corrected when you --

MR. GARRY: I think she is trying to answer the question further.

MISS RORABACK: If your Honor please, I think the answer was clear, and I think that -- I was about to object to Mr. Markle's further question, but --

THE COURT: Go ahead, Mr. Markle, put your next question.

MR. MARKLE: Yes, sir.

BY MR. MARKLE:

Q So when you were informed as to what had happened on that Sunday morning and you so stated on the tape, you were corrected by the brothers, is that correct?

MISS RORABACK: If your Honor please, I don't believe that's the testimony.

THE COURT: Well, this is cross examination, Miss Roraback.

Go ahead, you may answer that.

THE WITNESS: And I told you that half of the

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time -- well, I said it was half and half, do you remember? Half of the time they corrected me, half of the time they didn't.

MR. MARKLE: I ask it be played and she show us where it was corrected.

THE COURT: Go ahead, Corporal.

THE WITNESS: I had one other question, so that I can be clear on what you're saying.

MR. MARKLE: I'm going to object.

THE COURT: No. No.

There is no question pending.

Go ahead, Corporal.

When you say "Stop," all right.

THE WITNESS: All right, go ahead.

(Playing of tape continued.)

"What you reading? You know, And so the Brother said, I can't read. So why you got the book? Why did you lie to the sister? Because I didn't know it. So then the brother got some discipline, you know, in the areas of the nose and mouth and the brother began to show cowardly tendencies, and began to whimper and moan.

"SAM'S: She grabbed him.

"HUGGINS: Right."

THE WITNESS: Stop.

BY MR. MARKLE:

Q Is that one of the places, where someone said,
"She grabbed him."?

A No.

MR. MARKLE: It wasn't.

All right, go ahead.

MISS RORABACK: I'm sorry, your Honor, I think
that was also a complex question, and I would like
to object. A compound question.

THE COURT: Did you say "Stop," Mrs. Huggins?

THE WITNESS: Yes. And I was going to --

THE COURT: Go ahead.

THE WITNESS: Well, he was adding in something,
and you said, "She grabbed him." He said, "Kicked
and grabbed."

BY MR. MARKLE:

Q All right. So that that is what you heard there,
"She kicked and grabbed him"?

A No, that's not what I heard.

Q What did she say?

A I heard the person in the background saying "kicked
and grabbed."

Q All right. So that's what it was, "kicked and

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grabbed"?

A Right.

Q And you were corrected, is that right? That was added to what you were saying?

A Right.

THE COURT: All right, go ahead.

(Playing of tape continued.)

"After he would not, you know, say if he could read, we were puzzled because he picked up the newspaper saying he could not read and the first person, the first word that he deciphered was McCall, you know, a relatively big word for an illiterate person. So we decided he was a Mother Fucking phoney, that he was lying and that if he lied to us he lied to other party members and to the people. So that, George began to give him other disciplinary things. Like, you know, a stick was taken to the brother, you see, because he was acting like a coward, and acting like a non-Panther, and as I said before, he was lying. We asked him again and again if he could read and he said he couldn't read, so that, you know, he he received discipline for a while.

"During the time" --

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MR. GARRY: If the Court please, --

" -- he grabbed George and tried to fight back and was" --

MR. GARRY: If your Honor please, I could hear an interruption in there. I don't know whether the witness can hear it or not.

THE COURT: The witness can hear it, and I think the witness is well-qualified to state when she was interrupted. That's all she's asked, and it's being played.

There is a noise in the background, yes, but she's been told what to do in the event she was interrupted, and she hasn't said anything.

Go ahead, Corporal.

(Playing of tape continued.)

" -- kicking, kicked Warren, kicked me, you know, dis-discombobulated the whole office and began to cry real tears. We then stood him up in the middle of the floor and asked him what his name was, if he was a Panther, if he wanted to be a Panther, how long he had been in the party, and he answered, I've been in the party eight months. This is a disgrace to the people's revolutionary struggle.

"Sit down Mother Fucker. Keep still. And he then said that he had no conception of what revolution was or what a revolutionary was, You see, so then we asked him again to read because we knew that he was lying. Yes, he didn't know the ten point program platform of the Black Panther Party" --

THE WITNESS: Stop.

THE COURT: Stop.

BY MR. MARKLE:

Q That was an interruption?

A Yes.

Q And you were told what to say, is that correct?

A Yes.

MR. MARKLE: All right.

THE COURT: All right, go ahead.

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(Playing of tape continued.)

" -- and that people had refused to teach him how to read during this eight months time. They didn't have time to teach him how to read, and see I believe in initiative, being able to do things, finding these necessary. So he was taken down to the basement for a while and he came back up and it was decided he should leave the house but we decided, you know, that he shouldn't leave the house and that he should go back down the basement again and he should read the ten point program, and Brother Alex began to read the ten point program October of 1966. (inaudible talking in background) Right. And then" --

THE WITNESS: Stop.

I don't know what was said, but that was an interruption, too.

THE COURT: All right.

You heard it.

(Playing of tape continued.)

" -- Brother George began to discipline him again because he had proven to us that he was lying, that he could read, you see, he'd read the whole ten point program, he muddled along and hemmed and hawed, but

he read the ten point program.

"After the discipline, after the ten point program was read there was more discipline and

"SAMS: He said" --

THE WITNESS: Stop.

That was another interruption.

MR. MARKLE: All right.

THE COURT: Well, his question is, were you given any instructions?

I know there was some background noise and interruption.

THE WITNESS: That was an interruption where George Sams I believe was prompting me.

THE COURT: Prompting you?

THE WITNESS: Yes.

THE COURT: All right, go ahead.

(Playing of tape continued.)

"SAMS: He said that he lied about it. He could read.

"HUGGINS: He said that he lied to us, to the party and to Brother Landon about the fact that he could not read because he did read the ten point program. So then we began to realize how phoney he was and that he was either an extreme fool or a pig

so we began to ask questions with a little coercive force and the answers came after a few buckets of hot water. We found out that he is an informer."

THE WITNESS: Stop.

THE COURT: Stop.

THE WITNESS: That was a correction by George Sams.

THE COURT: All right, go ahead.

(Playing of tape continued.)

"SAMS: He's not an informer. He knows all the informers.

"HUGGINS: Oh, he knows all the informers. He knows the informers in the chapter of the Black Panther Party in New York and that there's heavy infiltration there and a couple of names were given up. Shall I relate those names.

"SAMS: No. He'll relate them to us."

THE WITNESS: Stop.

THE COURT: Stop.

THE WITNESS: That was an interruption.

THE COURT: Go ahead.

(Playing of tape continued.)

"HUGGINS: Okay. So that basically what happened with Brother Alex and he's going to begin to tell us

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what, you know, what's really going on. You see.
We have to know this."

MR. MARKLE: That's it.

THE COURT: All right.

MR. MARKLE: Thank you, your Honor.

THE COURT: All right.

BY MR. MARKLE:

Q So that having heard that now, if I am correct, after you said that "the brother began to show cowardly tendencies, and began to whimper and moan," George Sams says something about "kick and grab him," is that correct? That's the first interruption?

A Yes.

Q And you went on and said, "Right. After he would not, you know, say if he could read," -- do you remember that?

✓ A (No response.)

MR. MARKLE: I wonder if I might put a transcript in front of her, your Honor?

THE COURT: Well, --

MISS RORABACK: If your Honor please, --

THE COURT: -- I don't know where you are going now, Mr. Markle.

MR. MARKLE: All right.

THE COURT: You had it played, she indicated

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where -- she said "Stop" as to that being the point which somebody said something to her. The jury heard the tape and the jury also heard her. I don't know what else you want to do.

BY MR. MARKLE:

Q But is it not true that on that Sunday, in the morning at about 10:00 o'clock, Alex Rackley, who was from New York, was sleeping in the living room of the Kimbro apartment?

A That's correct.

Q And so if you said it on the tape, that was true, and it was true then and it's true now?

A That he was sleeping in the office, yes.

Q And that that is the house that you used as an office?

A Correct.

Q And if you said, "and I kicked him and said Mother Fucker wake up," that's true, and that's what happened then, and it's true now?

A No, that's not correct.

Q That's not correct. So you lied on that tape on that date?

MISS RORABACK: If your Honor please, I object to the use of the word "lie."

THE COURT: I will sustain the objection.

BY MR. MARKLE:

Q So you told an untruth on that tape on that date?

A No.

THE COURT: That's a conclusion, Mr. Markle.

I will sustain the objection.

The jury heard the tape twice and heard what she has to say.

BY MR. MARKLE:

Q Did you tell him, "we don't sleep in the office and we relate to reading or getting out."?

A Not exactly like that, no.

Q Did you use those words?

A No.

Q And did he pick up the book and start to read?

A No.

(Page 3048 follows; no omission.)

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Q And you were talking to George Sams and Warren Kimbro, and was it at that point that George Sams said, "Brother, I thought you couldn't read"?

A I was talking to George Sams. I don't believe that Warren was in the room at that time.

Q And did George Sams say to Alex Rackley, "I thought you couldn't read, you told me you couldn't read before."?

A I think so.

Q And did he ask him what he was reading?

MISS RORABACK: I'm sorry, your Honor, I don't understand that question.

BY MR. MARKLE:

Q Did George Sams ask Alex Rackley what he was reading that Sunday morning in that apartment?

A I think that he did.

Q And did he ask him why he had the book?

A No. It wasn't that kind of a conversation.

Q Did he ask him, "Why did you lie to the sister"?

A Yes, I think he did.

Q And did he then get some discipline, Alex Rackley, at that point?

A He was beaten.

Q And was he beaten around the nose and the mouth?

A He was beaten everywhere.



Q Well, do you recall at that time, on that date, when you were making the tape, which is what, 15 -- 10 or 15 minutes after this first beating had taken place --

A I don't understand your question.

Q How long after the first beating, that took place in the living room, did you start to make this tape?

A I don't know, but I believe it was longer than 15 minutes.

Q Twenty minutes?

A Well, I'm not going to try to approximate, but it was longer. Let's say it was longer than a half hour.

Q Longer than a half hour?

A Yes.

Q But it was that same morning?

A Yes, it was.

Q So then, as I understand it, he did get some discipline, there was no question about that, in the living room?

A There is a question about it, my use of the word "discipline."

Q Well, he got hit in and around the mouth?

A Yes.

Q And you used the word "discipline," didn't you, that day? And I'm talking about that Sunday, when you made

that tape.

✓A (No response.)

Q You did use that word, didn't you?

A I used it for a purpose, yes.

Q And you said that he "began to show cowardly tendencies, and began to whimper and moan"?

A Yes.

Q And did he show cowardly tendencies, Alex Rackley, at that point?

A Under those circumstances, anyone would have.

Q Did he?

A Yes.

Q And did you not so state he did?

A I did.

Q And did he whimper and did he moan?

A Yes.

Q And that was true then, and it's true now?

A Yes.

BY MR. MARKLE:

Q And did he kick someone and did he grab someone?

A Yes.

Q And who did he grab and who did he kick?

A In the process of George pulling him, he kicked, but it was accidentally. He kicked me. And he was grabbing George Sams, holding him off.

Q So, then, if Sams corrected you and said he grabbed and kicked, that was correct then and it's correct now?

A Yes, but --

Q And --

MR. GARRY: Just a minute. She is trying to answer. She said, "Yes, but --"

THE COURT: Did you complete your answer?

THE WITNESS: No, I didn't.

THE COURT: Go ahead.

THE WITNESS: I thought that you said that the tape said, "She grabbed him," and that would be incorrect, if that's what you said.

BY MR. MARKLE:

Q And then you heard that tape today, the tape that we just played?

A Yes.

Q And you heard that tape when we played it the other

day in court?

A Yes.

Q And you heard it at the house on that Sunday?

A I never heard it again.

Q You never heard it after it was made?

✓A No, not that day.

Q Until you came to court?

A Right.

Q And then what you -- did you ever read the transcript of what was in the tape?

A I don't remember.

Q You don't recall being shown that by your attorney?

A I might have. I have read a lot of things, you know.

Q And did you say on that Sunday afternoon -- question withdrawn.

Did Alex Rackley say on that Sunday afternoon that he would not say if he could read, did he refuse to say if he could read?

MISS BORABACK: I'm sorry. Might that question --

THE COURT: Are you talking about Sunday morning?

MR. MARKLE: Sunday morning.

THE WITNESS: I didn't understand your question,

I'm sorry.

THE COURT: Rephrase it.

BY MR. MARKLE:

Q Did Alex Rackley say he could not read on Sunday morning?

A Yes.

Q And if that is on the tape, then that's true; it was true then, and it's true now?

A Yes.

Q And you were puzzled because he picked up a newspaper, is that not true?

A I believe he was given a newspaper.

Q You what?

A I believe that he was given a newspaper.

Q So it is true that on that Sunday morning, at that apartment, he was given a newspaper to read?

A Right.

Q And he was able to decipher the word, "McCall," is that right?

A I didn't hear the end of your question.

Q You thought that was a relatively big word for an illiterate person to know, to be able to read?

A Yes.

Q And you said -- that occurred on that Sunday morning,

and that was true then and it is true now?

A It was true then.

Q Did you know at that stage and at that point that he was illiterate?

A No.

Q Well, when he was taken -- question withdrawn.

When he came in Saturday night, you did not know he was illiterate?

A No, I didn't.

Q And Sunday morning, when you first saw him sleeping at the Kimbro apartment, you did not know he was illiterate?

A No, I didn't.

Q And so before he was taken downstairs for the torture, you did not know he was illiterate?

A No, I didn't.

Q So the fact that he could read the word, "McCall," did not indicate, at that stage to you, that he was really illiterate?

MISS RORABACK: Please. As I remember the testimony, that was after Mr. Rackley went downstairs.

MR. MARKLE: That's not the way it goes on the tape.

THE COURT: I will overrule the objection.



MISS BORABACK: Exception, your Honor.

THE COURT: Exception.

BY MR. MARKLE:

Q And wasn't it at that point that you decided, with the others there, that he was a phony?

A Did I decide with the others?

Q Yes.

A No.

Q And so, if you said on the tape, "So we decided he was a Mother Fucking phoney, that he was lying," that was untrue?

A As far as I was concerned.

Q Did you tell anybody that on that Sunday when he was being tortured?

A No.

Q Did you tell anybody that when he was being disciplined upstairs?

A When he was being beaten? No.

Q And was it not decided that he had lied to you, meaning the Party at New Haven, and to the other Party members, and to the people?

A If I remember correctly, I said that that is speculation.

Q Well, you said -- and correct me if I am wrong --

"So we decided that he was a Mother Fucking phoney, that he was lying and that if he lied to us he lied to other party members and to the people," and that's a fact, that's the way you felt that morning of Sunday, isn't it?

A No, that's not the way I felt.

Q That's not the way you felt?

A No.

Q When you went on to say -- when you went downstairs and you said that on the tape, you didn't feel that way?

A No.

Q And when you said --

THE COURT: Will you be going on for some time?

MR. MARKLE: Yes.

THE COURT: I think we will have our morning recess.

(The jury was excused at 11:34 A. M.)

THE COURT: Recess.

(The court recessed at 11:35 A. M.)

(The court reconvened.)

THE COURT: All set, counsel?

MR. MARKLE: Yes, your Honor.

THE COURT: Bring in the jury.

(The jury entered the courtroom at 11:53 A.M.)

THE COURT: All right, Mr. Markle.

MR. MARKLE: Thank you, your Honor.

BY MR. MARKLE:

Q And it is a fact, isn't it, that after it had been decided that he had lied to the People and to the Party members, and to the people there in New Haven, that that's when George Sams began to give him disciplinary things -- that was your term, "disciplinary things"? That happened on that Sunday morning?

A Are you saying that after it was decided he was lying, was when George Sams began to beat him?

Q Yes, that's what you told me, you said it on the tape and that's a fact then, and that's a fact now?

A Well, I guess it would be before and after.

Q So then if you said it in that sequence, it's a fact then and it's a fact now, that after he came to the conclusion the People -- you use the word "we," "we decided he was a phoney, he was lying, and that he lied to us and he lied to the other Party members and to the People," it was at that point that Sams

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began to discipline him again?

A Yes.

Q All right. And a stick was taken to him, that's a fact, isn't it?

A Yes.

Q And the stick was taken to him because he was acting like a coward, and like a non-Panther that morning, Sunday, in the Kimbro apartment, and that's what you said then, and it was true --

MR. GARRY: If your Honor please, how many questions do we have in there?

THE COURT: Break it up, Mr. Markle.

BY MR. MARKLE:

Q On that Sunday morning, in the Kimbro apartment a stick was taken to Alex Rackley?

A Yes.

Q And you stated on the tape that the reason that that stick was taken to him was because he was acting like a "coward" and a "non-Panther"?

A That's what I said on the tape, you know.

Q That's on the statement. And that's the way you felt that Sunday, when you made the tape?

A No.

Q That's not the way you felt?

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And so, that was untrue, that's the reason the stick was taken to him?

A That's the way George Sams felt.

Q Excuse me?

A That's the way George Sams felt about it.

Q And he communicated this to you, he told you he felt he was acting like a "coward" and a "non-Panther"?

A He did, yes.

Q He told you that?

A Yes.

Q And he told Warren Kimbro that?

A He -- he said it.

Q Excuse me?

A He said it.

Q He said it. And when did he say it? Did he say it when you were upstairs or downstairs in the basement?

A When we were upstairs.

Q So in the living room in front of -- now, Warren Kimbro is present?

A Yes.

Q You're present?

A Yes.

Q Was Lonnie there yet, McLucas?

A He might have been standing in the kitchen.

Q And George Edwards, was he there yet?

A I don't think so.

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Q George Sams said in the presence, at least of you and Warren Kimbro, that he was acting like a "coward" and a "non-Panther"? And that's why the stick was taken to him?

MR. GARRY: Well, just a minute, now, that's a compound question again.

THE COURT: No, no, that one is all right.

A That's not what I said.

BY MR. MARKLE:

Q Did he take the stick to him because he was acting like a coward? Did he tell you that, George Sams?

A I said that he said that Alex was acting like a coward.

Q And like a non-Panther?

A That's what he inferred. He didn't use that exact term.

Q So, when you reported that in the tape later on that Sunday morning, that actually had been said in the living room of the Kimbro apartment while Alex Rackley was being beaten?

MISS RORABACK: I'm sorry, your Honor. That question doesn't seem to me -- I didn't understand it. May it be read?

THE COURT: Read it.

(The last question by Mr. Markle of the witness was read by the court reporter.)

MR. GARRY: That question is unintelligible, your Honor.

THE COURT: I'll overrule the objection.

BY MR. MARKLE:

Q Isn't that true?

A Well, maybe it's me, you know, but I don't understand it, the question.

THE COURT: All right, rephrase it.

MR. MARKLE: Rephrase it?

THE COURT: Yes.

BY MR. MARKLE:

Q Didn't George Sams in the living room of the Kimbro apartment beat Alex Rackley with a stick, and say that the reason he was beating him was because he was a coward?

A I'm -- I'm trying to tell you that, that that was his reason, among other things.

Q But he did say that, didn't he?

A He said he was a coward. But he didn't say that that was the reason why he was beating him.

Q But, is it a fact that he said in the living room that Alex Rackley was a coward?

A Yes.

Q And isn't it a fact that he said he acted like a non-Panther?

A I told you that wasn't his exact terminology.

Q What was his exact terminology?

A I don't remember.

Q But he said something about that, didn't he?

A Yes.

Q In the living room?

A Yes.

Q And what else did he say, George Sams at that point in time?

A He said a whole lot of things while he was beating him.

Q Did he say that he had lied?

A Yes.

Q So that if you put in the tape later in that Sunday morning, after he had been beaten and taken downstairs, if you put in the tape that you said, "like, you know, a stick was taken to the brother, you see, because he was acting like a coward and acting like a non-Panther, and as I said before, he was lying," you were reporting what had been stated upstairs earlier in your presence, and it was true then, and it's true now, if that's what was said?

A About that particular thing?

Q Yes?

MR. GARRY: Now, there's three questions there, and if you listen to it it's self-explanatory.

THE COURT: All right, break it up, Mr. Markle.

BY MR. MARKLE:

Q What you put on the tape actually happened, about "lying," about "showing cowardly tendencies" and being a "non-Panther"?

MR. GARRY: Now, that's four questions.

THE COURT: Well, that's all right.

BY MR. MARKLE:

Q Isn't that true?

A Would you repeat it again?

Q Yes. That was actually in the living room, words to the effect that Alex Rackley was a "coward," that he was "acting like a non-Panther," and that he was "lying," alloo those things were said in that living room?

MR. GARRY: Now, those are four or five different items.

THE COURT: She can explain it.

THE WITNESS: Yes, words to that effect.

BY MR. MARKLE:

Q "Words to that effect," that's what I say.

A Yes.

Q And then you later on reported what had been said in that living room, didn't you?

A About that, yes.

Q So if it appears on the tape, that's exactly what happened?

A But, I don't think in the way it was said.

Q All right, just in the way it was said, all right.

A I said, I didn't think in the way it was said.

Q In the way it was said, all right.

Was he then, was Alex Rackley then again asked if he could read?

MISS BORABACK: What are we are talking about now, your Honor?

MR. MARKLE: I'm talking about Sunday morning in the living room of the Kimbro apartment.

MISS RORABACK: Thank you.

THE WITNESS: Was he asked, after George beat him?

BY MR. MARKLE:

Q Yes.

A Yes.

Q And he said he couldn't read?

THE COURT: No, no. I think she said, was he asked -- did George beat him, is that what you said?

MR. MARKLE: No, she said --

THE COURT: All right.

MR. MARKLE: Well, in the event that there is any question. Can we get the question and answer read back?

THE COURT: Well, rephrase it.

BY MR. MARKLE:

Q It's a fact after the beating that, again, Alex Rackley, in the living room on Sunday morning, was asked if he could read and he said he couldn't?

A That's correct.

Q And so that if you said, "We asked him again and again if he could read and he said no he couldn't read," that

was true then and it's true now?

A It's not true. "We" is the wrong, you know, word.
It was Mr. Sams.

MISS RORABACK: May that be read?

(The court reporter complied.)

BY MR. MARKLE:

Q But you did on that Sunday, after he had been beaten in the living room and you had gone downstairs to make the tape, you did use the word "We"?

A I used the word "We."

Q And at that time, in point of fact, you were talking about you, Warren Kimbro, George Sams, and Lonnie McLucas, weren't you?

A I was talking about George Sams, Warren Kimbro, and I.

MR MARKLE: I'm sorry, may I have that read?

THE WITNESS: George Sams, Warren Kimbro, and I.

BY MR. MARKLE:

Q And that's when you said "We," that's who you meant?

MISS RORABACK: I object to that, your Honor.
She already said what she meant by the "We" previously.

THE COURT: Overruled.

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BY MR. MARKLE:

Q Is that correct?

A That's, that's what I meant.

MISS RORABACK: May that full answer be read?

(The court reporter complied.)

BY MR. MARKLE:

Q Then, it was at that point in the living room on that Sunday morning that Alex Rackley, now having been beaten, tried to fight back, isn't that true?

A He began to try to fight back, after George began to beat him.

Q And isn't it the fact that he then kicked Warren Kimbro, and he kicked you?

A I didn't see him kick Warren.

Q So, that if you said on that Sunday morning, when you made the tape, "he grabbed George and tried to fight back," that was true?

A Yes.

Q And if you said, and "he was kicking, he kicked Warren," you didn't know that from your own knowledge?

A Someone told me that.

Q Who told you that?

A I think Warren told me.

Q You think Warren told you. "And he kicked me," you said?

A Yes.

Q And he had, in point of fact, kicked you?

A Yes.

Q And you were reporting that accurately, that he had kicked you?

A Except for the fact that I think it was accidental.

Q Well, you didn't say he "kicked me accidentally," did you?

A No.

Q You said, "He kicked me."?

A Right.

Q And that he "discombobulated the whole office," isn't that true?

A Not him, by himself.

Q But you did say that?

A Yes, I did.

Q He "discombobulated the whole office"?

A Yes.

Q You did say -- question withdrawn.

Did he begin to cry at that stage?

A Yes.

Q And he cried tears, didn't he?

A Yes.

Q And he was obviously in pain, wasn't he?

A Yes.

Q And when you say he cried "rear tears," that was true then, and it's true now?

A That I said that? Yes.

Q And it is accurately reported on the tape?

A No.

Q That's not true on the tape, where you say --

A It's not accurate.

Q Excuse me?

A It's not accurate.

Q It's not accurate when you said, "and he began to cry real tears"?

A I don't feel it's accurate, no.

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Q But you made the tape, you didn't correct it at that stage?

A No, I didn't.

Q And then it's a fact, isn't it, that after he started to cry he was stood up in the middle of the floor and asked his name?

A I'm not sure.

Q Well, do you say that didn't happen?

A No, I'm not saying it didn't. I don't know about the sequence of things.

Q And he was asked if he wanted to be a Panther?

A He was asked by George Sams, yes.

Q And you were present?

A Yes.

Q And Warren Kimbro was present?

A Yes.

Q And who else was present?

A There was people standing in the entrance to the kitchen.

Q You don't recall who they are?

A Not all of them.

Q And did you know his last name at that time, this brother who had been beaten?

A No.

Q You didn't even know his last name?

A I think he had just stated his last name, I don't know.

Q But up to that point had he stated his last name?

A Not to me.

Q And nobody had talked to you about him, except George Sams?

A Correct.

Q And then it's a fact he was asked in that living room if he was a Panther, if he wanted to be a Panther, is that not true?

A Yes.

Q And he was asked how long he'd been in the Party?

A Yes.

Q And he told you he'd been in the Party eight months?

A He told George Sams that.

Q Well, you were in the room?

A Well, it was a dialogue between George Sams and Alex.

Q I see. But you were in the room?

A Yes.

Q And Warren Kimbro was in the room?

A Yes.

Q And this man had been beaten badly by now?

A Yes.

Q And he was asked, still being asked questions, and he was asked how long he'd been in the Party, and he replied "eight months," is that not correct?

A Yes.

MR. CARRY: You know these have been asked and answered now a dozen times.

THE COURT: It's cross-examination.

BY MR. MARKLE:

Q And you then said, "This is a disgrace to the people's revolutionary struggle," didn't you?

A Repeating something I heard George Sams say.

Q You heard George Sams say then that Alex Rackley was a "disgrace to the people's revolutionary struggle"?

A Yes.

Q Where had you heard that?

A In, -- in the living room. He could have also repeated that in the basement, too.

Q But, at any rate, you heard him say that Sunday morning in the living room?

A Yes.

end tk.

(Page 3073 follows; no omission.)

BY MR. MARKLE:

Q And he said it to Alex Rackley?

A Yes.

Q And had it become apparent to you that Alex Rackley was an illiterate at this stage?

A I had the feeling that he couldn't read very well.

Q You had worked with children?

A Yes.

Q And you had worked with other people who were brain-damaged?

A Yes.

Q And you had had how many years of college?

A Two.

Q And it became apparent to you, didn't it, at some stage that Alex Rackley was not very sharp?

A Yes, but as for illiterate, I think I used the wrong word.

Q Then, as you told us yesterday on direct examination, Alex Rackley down the cellar started to get up at some stage after he had been burnt, is that correct, and you said, "Sit down Mother Fucker. Keep still."?

A Yes.

Q And I think you described yesterday that, at that stage down the cellar, he had already been tortured with the

hot water?

A I think that I did.

Q And he, at that stage, when you said that to him, "Sit down Mother Fucker. Keep still," that was while you were making the tape, wasn't it?

A Yes.

Q Down the basement. Now, the man had been burnt, is that correct?

MR. GARRY: He is making a speech, instead of asking a question.

Now, there are two or three questions, two or three subject matters in there, and I object to this type of question.

THE COURT: I will overrule the objection.

MR. GARRY: Take an exception.

THE COURT: Exception may be noted.

BY MR. MARKLE:

Q The man had been burnt, correct?

A Yes.

Q How many buckets of hot water were thrown on him?

A I don't know.

Q More than one?

A I don't know. I saw one.

Q You only saw one?

✓

A Yes.

Q You were down there all the time, weren't you?

A No.

Q During the hot water, you weren't?

A No.

Q Didn't you say yesterday you were?

A No.

Q You didn't say that?

A No.

Q Who brought down that hot water you saw?

A I think I said yesterday that Lonnie brought it down.

Q Lonnie McLucas, the Acting Field Captain of the Black Panther Party, is that correct? (Sic.)

A Yes.

Q And when that was thrown on the victim, you told us, at that point, you were nauseous?

A Yes.

Q But, nevertheless, in the basement while you are making this tape recording, when he attempts to stand up, you said he was swaying and fainting, is that correct?

MR. GARRY: Just a minute, your Honor. That question is argumentative by the very nature of the word, "nevertheless."

THE COURT: Why don't you rephrase it?

BY MR. MARKLE:

Q When that victim, who had been tortured, attempted to stand up, and you described him as swaying and faint, isn't that true, he was at that stage?

A I never used the word "faint." I don't think I did.

Q All right. You're right. Did you say that he was weak and swaying and about to fall?

A Yes.

Q So that the victim, at this stage, was weak, swaying and about to fall, and when he got up, what did you say to him?

A I told him to sit down.

Q Just like you are saying it now?

A No.

Q How did you tell him?

A Exactly as it was on the tape.

Q You told him, "Sit down Mother Fucker. Keep still," didn't you, this man who had been tortured?

A Yes.

Q And then you went on making the tape, didn't you, at that stage?

A Yes.

Q And he had to sit there, didn't he?

A He had to?

Q Yes. Mr. Rackley had to sit there while you were making this tape?

A Not because I told him to.

Q You just told him to keep quiet and sit down, didn't you?

A But anybody could have said that to Alex and he would have sat down.

Q Why would he have sat down at that stage if anybody had said it?

A Because there was a gun directed at him.

Q Because there was a gun directed at him?

A Yes.

Q But the fact that he was weak and that he was about to fall and that he had been burned with hot water didn't intimidate him at all, is that your testimony?

A No, it's not.

Q Did George Sams say, "Sit down, I got a gun on you"?

A Before the tape was begun, he said a lot of things to that effect.

Q Did he say it at that stage, when the tape was being made, when you were making the opening on that tape,

Mrs. Huggins?

A I never heard that, no.

Q And you said to him, "Sit down. Keep still."

Right?

A Yes.

Q And he did sit down and he kept still, didn't he?

A He sat down.

Q Well, he didn't say anything until he was asked a question, isn't that a fact, on that tape? The first time we hear him on the tape is when someone says something to him and asks him a question?

A On the tape, yes.

Q On the tape. And that's a fact, isn't it?

A Yes.

Q Having told him to keep quiet and sit down, you now go on to continue your tape relating what had happened on that Sunday, isn't that a fact?

A Yes.

Q And the next thing you said is that he, Alex Rackley, had no conception of what a revolution was or what a revolutionary was, right?

A Right.

Q And that was true on that Sunday afternoon, you people felt he was not a revolutionary nor did he have a

feeling of what a revolutionary was?

MR. GARRY: That's many questions strung together.

THE COURT: I will let it stand.

BY MR. MARKLE:

Q Isn't that true?

A Could you repeat it, please.

MR. MARKLE: Might it be read, your Honor.

MISS RORABACK: Could it be read with the prior question, too, your Honor, and the answer?

THE COURT: Read that whole part.

(The last two questions by Mr. Markle and the last answer of the witness were read by the court reporter.)

(Page 3080 follows - no omission)

BY MR. MARKLE:

Q Is that correct?

A That we felt that he wasn't a revolutionary?

Q Yes.

A That's what was said on the tape.

Q And wasn't that said that Sunday before the tape was made?

MR. GARRY: It's been asked and answered. She just said it was said on that tape.

THE COURT: Overruled.

MR. GARRY: Take an exception, your Honor.

THE COURT: Exception.

BY MR. MARKLE:

Q Wasn't it said?

A Are you asking, was it said before the tape was made? Words to that effect, yes.

Q And you heard them said?

A Yes.

Q And who said that?

A Warren Kimbro and George Sams.

Q And then he was asked to read again, wasn't he, Alex Rackley -- he was asked in that living room to read again?

A I don't know when you are talking about.

Q You said, "You see, so then we asked him again to read because we knew that he was lying." Wasn't that in the

living room before he was taken downstairs?

A Yes.

Q I'm sorry, I can't hear you.

A I guess so. You are talking -- would you tell me exactly when you are talking about?

Q Well, you stated on the tape, "And he then said that he had no conception of what revolution was or what a revolutionary was. You see, so then we asked him again to read because we knew that he was lying." And that was said in the living room, wasn't it?

A Yes.

Q Then it was repeated downstairs on the tape?

A Yes.

Q And when you used the term, "we," at that stage, you meant you, Warren Kimbro and George Sams?

A Yes.

Q And so you did ask him to read and you did know or believed that he was lying at that stage upstairs in the living room on that Sunday morning?

A I didn't personally, no.

Q You didn't personally?

A No.

Q Did you tell it to anybody?

A Did I tell what to anybody?

Q That you didn't believe he was lying.

A There was no one I could tell.

Q Didn't tell it to Warren Kimbro?

A No, I didn't.

Q Didn't tell it to George Sams?

A No, I didn't.

Q All right. And then was he not asked up there about the Ten Point Program, Alex Rackley, in that living room on that Sunday?

A About the Ten Point Program?

Q Yes. Didn't he indicate that he did not know the Ten Point Program?

A I don't remember. He could have.

Q And didn't he tell you upstairs in the living room that people had refused to teach him to read during the eight months time?

A I remember him saying that, yes.

Q Well, now, Alex Rackley in the living room on that Sunday morning, having taken the beating that he took, is telling you that he didn't know the Ten Point Program and no one had taught him to read?

A Yes.

Q Is that right?

A I can remember him saying no one had taught him to

read, yes.

Q And did he tell you they didn't have time to teach him to read in New York?

A That's what he said.

Q And at that time and in that living room, he told you these things, that he could not read and that no one had time to teach him to read?

A Yes.

Q And you said that downstairs on the tape, you responded to that and reported it accurately, is that correct, on the tape, that he had told you these things?

A Yes.

Q Right?

A Yes.

Q And then you went on in the tape to say, "...I believe in initiative, being able to do things, finding these necessary. So he was taken down to the basement..." and that's true, isn't it, you did say that, and that's what happened?

A I don't remember all of that being said at one time.

Q Do you remember saying, "They didn't have time to teach him how to read, and see I believe in initiative, being able to do things, finding these necessary." Remember saying that on the tape?

A Yes, and I remember not finishing the thought, either.

Q You didn't finish the thought?

A No.

Q But then you went on to say in the next sentence, "So he was taken down to the basement for a while..." Is that true?

A That I said that on the tape?

Q Yes.

A I would suppose so.

Q And did that not happen that Sunday morning?

A That he went to the basement?

Q That you said you believed in initiative, in being able to do things, finding these necessary, didn't you say that?

A Yes, in reference to him asking someone to teach him to read.

BY MR. MARKLE:

Q And you were, at that time, stating why you didn't believe that he should have known how to read or should have been taught?

A No.

Q What do you mean by, "I believe in initiative"?

A That if he couldn't read, then he should have asked someone. As a matter of fact, I told him that, that I was sure that there were some sisters in the office or some brothers who would have taught him how to read, that would have taken time with him.

A In other words, you didn't believe that no one had attempted to teach him to read, you didn't believe him?

MR. GARRY: It's argumentative.

MR. MARKLE: It isn't. She just stated it.

THE COURT: Overruled.

BY MR. MARKLE:

Q You didn't believe him, did you, when he said he couldn't read or no one had taken the time to teach him how to read?

MISS FORABACK: That's complex, if your Honor please.

THE WITNESS: It's not that I didn't believe him, no. It's just that I felt that if he had asked

someone, someone would have taught him how to read.

BY MR. MARKLE:

Q He told you and you put on the tape that people had refused to teach him how to read during this eight month period, didn't he; he told you that in that living room on that Sunday morning, having taken a beating, he told you that, didn't he?

MR. GARRY: It's argumentative and it's complex.

BY MR. MARKLE:

Q Didn't he tell you that?

A Did he tell me that people had refused to teach him?

Q That's right, during the eight month period.

A Yes, but I'm trying to tell you that before that --

Q And you didn't believe him, did you?

MISS ROBACK: May she finish her answer, your Honor?

THE COURT: I don't think she did.

THE WITNESS: No, I didn't.

When he first told me he couldn't read, I told him that I felt that there was someone who would have taught him had he asked, and then he said he asked and they refused.

BY MR. MARKLE:

Q Then, as a matter of fact, didn't you say, "He

didn't know the Ten Point Program platform of the Black Panther Party and that people had refused to teach him how to read during this eight months time"?

Didn't you say that on the tape?

A Yes.

Q And then didn't you go on and say, "They didn't have time to teach him how to read, and see I believe in initiative, being able to do things, finding these necessary"?

A I just explained to you that I said that, and I explained what I meant.

Q In effect, you didn't believe him, that nobody would teach him how to read?

MR. GARRY: Argumentative. Been asked and answered.

THE COURT: Overruled.

THE WITNESS: When you asked me that before, I told you it wasn't a question of whether or not I believed him. I felt that there was someone there who would have taught him how to read.

BY MR. MARKLE:

Q So then you didn't believe him; you felt that there was someone there who would have taught him how to read?

A I can't remember thinking it, you know, in my mind that he was a liar at that point.

Q But you did say that, didn't you?

A I said a lot of things, yes.

Q And that was before he was taken downstairs?

A That this was said?

Q Yes.

A In the living room, yes.

Q And then you repeated it on the tape downstairs after the torture while he was sitting there listening, isn't that right?

A Yes.

Q Mr. Rackley was sitting there while you were relating all of this into the microphone, wasn't he?

A Yes.

Q And how was he sitting there?

A He was just sitting on the chair.

Q He wasn't tied?

A He might have been. I don't remember, really.

Q You don't remember whether or not he was tied?

A I can remember him walking around and getting up and doing all kinds of things, and I can't remember whether or not he was tied.

Q When that first bucket of hot water was thrown on him, did he jump up and walk up? (Sic.)

A Walk out? No.

Q Did he jump?

A He jumped.

Q Did the chair move with him?

A Yes.

Q And he was tied to it, in point of fact, at that time?

A I don't remember.

Q You don't recall. Had you ever seen a man tied to a chair before?

A No.

Q And that man was tied to that chair during that period of time he was down in the basement, wasn't he?

A I don't remember.

Q You don't remember. And then it was decided that he would be taken down to the basement, isn't that true, on that Sunday morning?

MISS RORABACK: If your Honor please --

THE COURT: I don't know where you are, Mr. Markle.

MR. MARKLE: I'm on Sunday morning after they had finished asking him about whether he could read or not.

THE COURT: Why don't you explain that question.

BY MR. MARELE:

Q After he had explained to you that he could not read and no one had taught him, he was then taken to the basement, is that correct?

A I don't think it was right after that, no.

Q Isn't it correct that he was taken to the basement and then he came up again and was told to leave the house, isn't that a fact?

A I'm not sure now of the sequence of things.

Q Well, would you give me the fact that on the date that you made this tape, that given Sunday, your recall was better then than it is today?

A You know, it's hard for me to answer that because my state of mind then was -- wasn't very good, you know.

(Page 3091 follows - no omission)

Q Well, your state of mind allowed you to report what had taken place, did it not?

A Very inadequately.

Q Very inadequately?

A Yes.

Q And when --

MISS RORABACK: I'm sorry, might I have the reporter read her answer back?

THE COURT: Read it, Mr. Reporter.

MISS RORABACK: I wasn't sure the word was "inadequate."

(The last two answers of the witness were read by the court reporter.)

MISS RORABACK: I thought I heard a different word there.

MR. MARKLE: That's what I heard.

THE COURT: That's what I heard.

Is that the word you used, "Inadequately"?

THE WITNESS: Yes.

MISS RORABACK: Thank you.

BY MR. MARKLE:

Q Well, it is a fact that you weren't too upset to tell the victim to sit down and keep still, was it; you had control of yourself at that stage?

A I did that so that George Sams wouldn't shoot him.

Q I see. You thought he was going to escape, having been burned and questioned, and George Sams had a gun on him?

MISS RORABACK: That's not what she said.

MR. GARRY: That's several questions, and it's taken completely out of context with the witness' last statement.

THE COURT: I don't think that's what she said, Mr. Markle.

Rephrase the question.

MR. MARKLE: Yes, your Honor.

BY MR. MARKLE:

Q He could not have gotten out of that cellar at that point?

A That wasn't why I said what I said to him.

Q And he was weak and he was swaying, wasn't he, at that point?

A He was, yes.

Q And you said, "Sit down and keep still"?

A Yes.

Q And it's a fact that after he had been questioned in that living room, that he was taken down to the basement?

A Yes.

Q And then he was brought up for a while and told to

leave the house; that happened, didn't it?

A Yes.

Q And that's accurately reported on the tape, isn't it?

A I told you that before, I'm confused as to whether he went downstairs and came back up before he was told to leave, but I know that he was told to leave at one point.

Q At any rate, he was told to leave that house, wasn't he?

A Yes.

Q And then people changed their minds and told him to stay, is that true?

A Well, George Sams changed everyone's mind.

Q So that when you said, "it was decided he should leave the house but we decided, you know, that he shouldn't leave the house," what you meant to say there was George Sams had said it?

A That's what I wanted to say, yes.

Q But you had explained before to us that when you used "we," you meant yourself, Warren Kimbro and George Sams?

MISS RORABACK: That is not what she said, your Honor, and I object to that characterization.

THE COURT: Take it up on redirect.

BY MR. MARKLE:

Q Didn't you tell me that when you used "we"?

A I said that's what I meant.

Q All right. And then he went back down the basement again, and that's true, on that Sunday morning?

A Yes, he did.

Q And he was told there to read the Ten Point Program, wasn't he, in the basement?

A Yes.

Q And so that actually happened, and if that's recorded, it's accurate on the tape?

A Yes.

Q And that happened that Sunday morning?

A Yes.

Q And then he began to read that tape -- read that Ten Point Program, didn't he?

A Yes.

Q And so that if you put that in the tape, that was accurate then, and it's accurate now?

A Yes.

Q And then George Sams began to discipline him again?

A He began to beat him again, yes.

Q Well, you used the word at that time, and on that tape, the word "discipline" again, didn't you?

A Yes.

Q And no one told you to use that word, did they?

A I knew that was the word I should use.

Q All right. You knew it was the word you should use?

A Yes.

Q And you did use it?

A Yes.

Q And you said that George Sams -- that "George began to discipline him again because he had proven to us that he was lying,". Now, who was down in the basement at that point?

A George Sams, Alex Rackley, Warren Kimbro, Lonnie McLucas and I.

Q Was George Edwards there then?

A I'm not sure when George Edwards came in.

Q But it had been proven to us, was your expression, that he was lying and that he could read, is that true?

A I don't understand your question.

Q You said that "And then Brother George began to discipline him again because he had proven to us that he was lying, that he could read, you see, he'd read the whole ten point program, he muddled along and hemmed and hawed, but he read the ten point program."?

A So is it true I said that?

Q Yes.

A Yes, it's true.

Q And it's true he did read the Ten Point Program in

the basement?

A Yes.

Q And it's true that he hemmed and he hawed?

A Yes.

Q But he read the whole Ten Point Program?

A Not the whole, no.

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Q So when you said, "he'd read the whole ten point program, he muddled along and hemmed and hawed, but he read the ten point program.", you meant to say on the tape "but not the whole ten point program"?

A I didn't mean to say not the whole -- you know, I didn't want to say "not the whole ten point program," but I could have said "part of the ten point program."

Q Well, in point of fact, didn't you then go on to say, right after that, "After the discipline, after the ten point program was read there was more discipline"?

A What are you asking me, did I say it?

Q I'm asking you wasn't that true? Didn't he read the Ten Point Program? Didn't he hem and haw reading it?

MR. GARRY: We have gone over this seventeen times.

THE WITNESS: Yes.

THE COURT: Overruled.

BY MR. MARKLE:

Q And when you reported that on the tape, that was an

accurate portrayal of what had taken place in the basement now of the Kimbro apartment?

A Except for the fact he did not read the whole Ten Point Program.

Q Except for that fact?

A Yes.

Q And did he say, Rackley, at that point in the basement, that he had lied to you, to the people there?

A That who said it?

Q Rackley.

A Did Alex Rackley say that he had lied?

Q Yes. Didn't Mr. Rackley admit that he had lied to you and to the Party?

A I think that he did. I'm not sure.

Q Didn't he say he lied to you because -- about the fact that he could not read? Didn't he say that, in point of fact?

A He could have.

Q Well, if you reported it on the tape, would it be accurate at that stage?

A I'm not sure whether it would be accurate.

Q Well, he did say -- are you saying that he did not say that he lied to you, that he could read?

A No, I'm not saying he didn't say it.

Q And did he say that he lied to the Party, that he could read?

A (No response.)

Q Your exact words were, "he said that he lied to us" --

A Yes.

Q -- "and to the Party"?

A Yes.

Q He said that?

A That he had lied to us?

Q Yes.

A I believe he did.

Q And to Brother Landon, about the fact that he could not read, because he had read the Ten Point Program. He told you that, didn't he?

A I'm really not sure what that means.

Q You're really not sure. At one point, where Brother Landon is mentioned, you're not sure?

A That's correct.

Q But it wasn't Alex Rackley that put the name Brother Landon on that tape, was it?

A I know. It was me.

Q It wasn't George Sams --

MISS RORABACK: I'm sorry, could I have that answer read back?

THE COURT: It may be read.

(The last answer of the witness was read by the court reporter.)

BY MR. MARKLE:

Q Who put that name "Brother Landon" on that tape; was it --

A I just said it was me.

Q And it wasn't Warren Kimbro that mentioned Brother Landon either, was it; it was you?

A Right.

Q Each time?

A Yes.

Q And you don't know why you put that on that tape, is that right?

A It must have had some significance, but I don't remember what.

Q You don't recall what?

A I can't -- Landon was not there, so I don't know what it meant.

Q Well, hadn't you, in point of fact, talked to Landon Williams about Rackley and him being suspect?

A No, I hadn't.

Q And hadn't you talked to Landon Williams about the fact that he couldn't read, or said he couldn't read, and

that he was suspect?

A No, I hadn't.

Q Not at all?

A No.

Q So that that came out of all the names you know, that are associated with the Black Panther Party, all the people you know in the Black Panther Party at that time, in May of 1969, when that session is going on, the only person whose name you mentioned there is, "He said that he lied to us, to the party and to Brother Landon about the fact that he could not read because he did read the ten point program." And you don't know why you said "Brother Landon," that's your testimony?

A It is.

Q And wasn't it at that point that you said that you began to realize how phony he was and that he was either an extreme fool or a pig?

A Again I was repeating something that George Sams said.

Q I see. Had George Sams said "Brother Landon"?

A No.

Q George Sams said that he was either an extreme fool or a pig?

A Yes.

Q And that's why you said that he was a phony, because George Sams had said that in the basement?

A Most of the things I said, I said because I wanted to say what George Sams wanted to hear.

Q I see. You knew what George Sams wanted to hear, and you were saying this because that's what George Sams wanted to hear?

A (No response.)

Q Didn't you say --

MR. GARRY: Well, just a minute.

Let's get an answer to that question.

THE WITNESS: Yes.

THE COURT: Read the question.

MR. GARRY: May we have the question before that?

THE COURT: Read two questions before that -- two questions and two answers.

(The last two questions by Mr. Markle of the witness and the answer were read by the court reporter.)

MR. GARRY: Can we get an answer to it?

THE COURT: All right.

Did you get an answer to the last one?

MR. MARKLE: I'm sorry.

THE WITNESS: Yes.

The answer would be yes.

THE COURT: The answer is "Yes"?

THE WITNESS. Yes.

THE COURT: All right.

(Page 3103 follows; no omission.)

BY MR. MARKLE:

Q Didn't you tell Miss Roraback that George Sams told you, when you opened that tape, to tell what had happened that day?

A Yes.

Q And that's what you were doing on that tape, wasn't it?

A I told him very inadequately.

Q But you told him, didn't you?

A Parts of it, yes.

Q And you told, inadequately, the story of the torture and burning of this man, and the questioning, inadequately?

A Yes.

Q Is that right?

A Yes.

Q And was it said in the basement that he was either an extreme fool or a pig, this man that had been tortured?

MR. GARRY: We have gone over this I don't know how many times.

Even on cross examination, there is a limit, your Honor.

THE COURT: Was it answered?

Is there an answer, Mr. Reporter?

(The court reporter replied negatively.)

THE COURT: All right.

I think you have been over this, Mr. Markle,
and I will sustain the objection.

BY MR. MARKLE:

Q Was it not at that point that the water was thrown
at him and on him?

A AT what point?

Q After he had been -- after Sams said that Mr. Rackley
was either an extreme fool or a pig?

A That was said quite often.

Q Upstairs and downstairs?

A Well, I thought we were talking about the basement.

Q Well, you said "quite often," and I want to fix
where.

A In the basement.

Q In the basement?

A Yes.

Q In front of you, Warren Kimbro, Lonnie McLucas, --

A Yes.

Q -- is that right?

A Yes.

Q And wasn't it a fact that you said that after that
was said, "we began to ask questions with a little coercive

force"?

A That's untrue, because we didn't do anything.

Q But you did say that, didn't you?

A Yes.

Q And you did use that tape, didn't you?

A Yes.

Q And you did make that recording?

A Yes.

Q And you did say "we"?

A Yes.

Q And it is true that answers came after a few buckets of hot water?

MR. GARRY: You know, your Honor, this has been covered over and again. He has already passed this area, and now he is coming right back again.

THE COURT: No.

MR. GARRY: I take exception.

THE COURT: Overruled.

MR. GARRY: Exception.

THE COURT: Exception.

BY MR. MARKLE:

Q Isn't that true, you said "a few buckets of hot water"?

A Yes.

Q So you knew more than one bucket of hot water was used on that victim, didn't you?

A I had been told that.

Q By whom?

A By someone in the basement. I can't remember who.

Q You don't recall who?

A It was either George or Warren.

Q Or could it have been McLucas?

A I don't think so.

Q Was GEorge Edwards there at this time?

A He could have been.

Q Did the victim scream when the water was thrown on him?

A No, he didn't really scream. No.

Q Did he holler?

A No. He moaned.

Q He moaned?

A Yes.

Q And it's at that stage that you say, "We found out that he is an informer," is that correct?

MISS RORABACK: We are back on what stage?

What are we talking about?

MR. MARKLE: It's right after --

MISS RORABACK: The making of the tape, or what

occurred in the basement?

MR. MARKLE: I'm going with the tape, your Honor.

THE COURT: Go ahead.

MISS RORABACK: That wasn't clear in the question.

BY MR. MARKLE:

Q Wasn't it you that said, "we began to ask questions with a little coercive force and the answers came after a few buckets of hot water. We found out that he is an informer."?

A That's what I said.

Q And then George Sams interrupted you?

A Yes.

Q And he told you that "He's not an informer. He knows all the informers."?

A Yes.

Q And you said, "Oh, he knows all the informers. He knows the informers in the chapter of the Black Panther Party in New York and that there's heavy infiltration there and a couple of names were given up. Shall I relate those names." That was actually said, wasn't it, that he knew the informers -- you had come to the conclusion he knew the informers in the Black Panther Party, didn't you?

MISS RORABACK: If your Honor please, I think that the question is confused.

Is he asking what she said, or is he asking --

MR. MARKLE: If it's confusing, I will clear it up.

BY MR. MARKLE:

Q Didn't you then say, "Oh, he knows all the informers. He knows the informers in the chapter of the Black Panther Party in New York and that there's heavy infiltration there and a couple of names were given up." Didn't you say that?

A I was repeating what he had said.

Q He had just said that prior to that?

A No.

Q And you knew that the focus then of the interrogation of Alex Rackley in the basement had to do with informants in the Black Panther Party in the New York Chapter, on that Sunday morning, didn't you?

A The focus of it, yes.

Q Pardon?

A You said the focus of the interrogation had to do with New York?

Q And informants in the Party?

A Yes.

Q And also with a friendship with the Karenga unit,

Q Roughly?

A I don't really know.

Q You stayed downstairs long enough to hear a few questions, didn't you?

A Probably.

Q You stayed downstairs long enough to ask the victim to "give his real name again" in a question about one "Janet and Lonnale Epps," and "Akbar," didn't you?

A Yes.

Q There was a point on that tape when you said, "Give us his real name again"?

A Yes.

Q So you stayed down and heard that, didn't you?

A I was trying to figure out what was going on.

Q You were trying to figure out what was going on?

A Yes.

Q In spite of the fact that you just said before this questioning had even begun, "He knows the informants in the Chapter of the Black Panther Party in New York, and there's heavy infiltration there, and a couple of names were given up"; and you were wondering what was going on?

A Yes, I was.

Q At that point in time you listened to a few questions, correct?

the US organization?

A No.

Q You have no idea of that?

A No.

Q Not at all?

A No.

Q You didn't hear or ask what the interrogation had been about?

A I never heard that tape.

Q I didn't ask you that. I asked you whether or not you asked anyone what the interrogation had been about that you didn't hear?

A No.

Q Never?

A No.

Q All right. Then it's your testimony that after you had made this opening on the tape, you then went upstairs?

A Not immediately, no.

Q Well, how long did you stay downstairs?

A I have trouble approximating time.

(Page 3110 follows - no omission)

MR. GARRY: It's been asked and answered I don't know how many times.

THE COURT: I thought she said she did.

MR. MARKLE: Well, I want to get her back.

All right.

BY MR. MARKLE:

Q Then what did you do after you heard those few questions?

A Then I went upstairs.

Q And what did you do upstairs?

A I don't remember. I talked to someone.

Q Do you recall who you talked to?

A No.

Q Do you recall how long you talked to that person?

A No.

Q What did you do then -- question withdrawn.

Where did you talk to that person?

A Either in the kitchen or the living room.

Q Then what did you do?

A Then I went back downstairs.

Q Now, in the basement at that time was whom?

A When I went back down?

Q Yes.

A The same people.

Q Who were they?

A George Sams, Alex Rackley, Warren Kimbro, and I think that George Edwards was down there.

Q Now, when you went up to the kitchen did anybody follow you up?

A I don't know.

Q Did anybody come up with you?

A No.

Q Wasn't there a telephone in that kitchen?

A Was there a telephone in the kitchen?

Q Yes.

A Yes.

Q Did you, you had been there on numerous occasions previous to this Sunday?

A Yes.

Q And that phone was in the kitchen where, where was that phone located?

A On the wall.

Q On the wall. Is it fair to say on the wall where the counter is?

A Yes.

Q And would that be on this exhibit of the first floor, this counter here? (Indicating)

A Yes.

Q And was it --

MISS RORABACK: Might I have the exhibit number?

MR. MARKLE: Yes, I'll get to that in a minute.

BY MR. MARKLE:

Q Was it against this wall right here? (Indicating)

A Yes.

Q All right. That's the wall that separates the kitchen from the living room?

A That's right.

Q And the telephone was on that counter on the wall -- and that's State's Exhibit VV and YY, is that correct?

A Yes.

Q Did you use that phone?

A I don't remember using the phone.

Q Did you call your in-laws to tell them what horrendous acts had just happened?

MR. GARRY: This has been gone into. He's rehashing it again.

THE COURT: Overruled.

BY MR. MARKLE:

Q Did you?

A No, I didn't.

Q Did you call anyone to tell them what had happened to that poor man in the basement?

A No.

Q And you had talked to numerous groups, you told us public groups, church groups, and you had met, I take it, many clergymen?

A Yes.

Q And did you call any clergymen to tell them the horrors that had taken place in that basement or that apartment --

MR. GARRY: I know this has been asked.

THE COURT: Overruled.

MR. GARRY: Exception, your Honor.

BY MR. MARKLE:

Q And you just went back downstairs, after having a conversation in the kitchen?

A Yes.

Q To the basement?

A Yes.

Q And where, who -- question withdrawn.

You told me that Mr. McLucas was there, that Mr. Kimbro was there, and Mr. Sams was there and the victim, is that right?

A Yes.

Q And in what condition was he in at that time?

A He was weak. And there was, you know, the apparent gash on his head from the stick.

Q And was he --

MR. GARRY: I think she is still answering the question.

MR. MARELE: I didn't mean to cut her short.

THE COURT: I don't think she finished.

Had you finished?

THE WITNESS: That's all I could visibly notice.

BY MR. MARKLE:

Q And was he still sitting in the chair?

A Yes.

Q And were they still questioning him?

A I believe so.

Q And the tape was on?

A I believe so.

Q And so, now, you sat through some of the questions that were asked of him, additional questions?

A I didn't listen.

Q You didn't listen? How long did you stay down there on that occasion?

A Not very long.

Q Where was your baby at this time?

A Upstairs in the bedroom.

Q In the bedroom?

A Um-hum.

Q Were there other children on the premises at this time?

A There may have been, yes.

Q And you went downstairs and stayed how long?

A On this occasion? Not very long. I can't approximate.

Q Well, did you stay until they finished questioning Alex Rackley?

A I don't remember.

Q You don't recall that? You had never seen a man questioned like this before?

A No, I hadn't.

Q But you don't recall whether you stayed down there? Let me ask you this, at that stage was he tied?

MR. GARRY: Your Honor, that's two or three questions --

MISS RORABACK: Right there.

THE COURT: Well, the question now: At that stage, was he tied?

MISS RORABACK: Did he withdraw the prior question, your Honor?

THE COURT: I don't know where we are. Let's go back a couple of questions.

MR. GARRY: Yes, and see which ones he wants, and which ones he doesn't.

(The court reporter began reading from "You had never seen a man questioned like this before?" and continued down to the pending question, "But you don't recall whether you stayed down there?")

THE WITNESS: No, I don't.

BY MR. MARKLE:

Q And you don't recall at that stage whether or not the name of Karenga came up, or the US Organization?

MR. GARRY: It's been asked and answered.

MR. MARKLE: Well, not at this stage.

THE COURT: Overruled.

THE WITNESS: No, I don't.

BY MR. MARKLE:

Q And you have a particular interest --

THE COURT: Let's break off there, Mr. Markle. I think that the jury ought to prepare to go to lunch.

They may retire.

(The jury left the courtroom at 12:55 P. M.)

A F T E R N O O N S E S S I O N

(The court reconvened at 2:05 P.M.)

(The witness resumed the stand.)

THE COURT: All set, counsel?

MR. MARKLE: Yes, your Honor.

THE COURT: Call the jury.

(The jury entered the courtroom at 2:06 P.M.)

THE COURT: All right, Mr. Markle.

BY MR. MARKLE:

Q I had asked you just before the luncheon recess, Mrs. Huggins, whether or not you had heard the questioning in the cellar about Karenga and the US Organization?

A No, I had not.

Q You had not. Is it your vivid recall that you heard nothing about Karenga or the US Organization?

A In the basement?

Q Yes.

A That's correct.

Q When you went down there after Mr. Rackley had been questioned on that Sunday, isn't it a fact that George Edwards was then questioned?

A Yes.

Q And was he not tied to a chair?

A Yes, George Sams had him tied to the chair.

MISS FORABACK: Could that be read back, your Honor. I am having trouble hearing it.

THE COURT: It may be read.

(The answer of the witness was read by the Court reporter.)

Q And this was in your presence?

A Yes.

Q In the presence of Warren Kimbro?

A Yes.

Q And in the presence of Lonnie McLucas?

A Yes, and Alex Rackley.

Q And Alex Rackley. And what, if anything, was done -- you vividly remember him being tied to the chair, Mr. Edwards?

A Yes.

Q And what, if anything, was done to Mr. Edwards?

A What was done to him?

Q Yes.

A What do you mean?

Q Did anybody direct any discipline toward him?

A He wasn't beaten, no.

Q He wasn't beaten?

A No.

Q And did you explain to him that you had information that he was an informant?

A No.

Q You didn't?

A No.

Q Did George Sams tell him that you had said there was information -- you and Warren Kimbro had information that he was an informant?

A I believe that George Sams said that he had information. I don't recall that he gave names of people who gave him that information.

Q So you recall that George Sams told him that he was suspected of being an informant, is that true?

A Yes.

Q But he did -- you don't recall whether he named you and Kimbro as the source of that information?

A No, I don't.

Q But you wouldn't say that didn't take place?

A I can't remember.

Q You can't recall. And wasn't it a fact that George Edwards was allowed to leave, to go upstairs and make a tape?

A After George Sams decided that he wasn't an informer.

Q Didn't George Sams say he didn't have orders to do anything further with him?

A I don't remember anything like that.

Q You don't remember that either. You wouldn't say that didn't take place; you just don't recall?

A I would like to say that didn't take place.

Q It did not take place, you remember that?

A But I can't be sure.

Q But you can't be sure?

A Right.

Q And did he go upstairs and make a tape, Mr. Edwards?

A Did George Edwards go upstairs and make a tape?

Q Correct.

A I know that he was told to. I don't know whether or not he did.

Q And, thereafter, Mr. Rackley was taken upstairs, is that not true?

A Well, before -- I think it was before George went upstairs or shortly after George left, I left and, like I said, went to the Post Office.

Q When you returned, where was Mr. Rackley?

A Upstairs.

Q Where upstairs?

MR. MARKLE: Can I have the easel again, please.

Thank you.

Q Can you see it, Mrs. Huggins?

A Yes.

Q Where was Mr. Rackley when you first saw him?

A Standing in the bathroom.

Q And directing your attention to State's Exhibit WW and XX, is that in the area I am pointing to? (Indicating)

A What is that you are pointing to? I can't read the lettering.

Q It says, "Bathroom." Do you want to step down here, so I am not misleading you? Would you want to step down?

A If you want me to.

THE COURT: Can you see it all right?

THE WITNESS: I can.

I wanted to know if he was pointing to some specific location.

BY MR. MARKLE:

Q It says, "Bathroom, Toilet, Sink, Tub."

A He was standing near the toilet. That's the room that is designated on that exhibit on the top left entitled, "Bathroom," is that a fair statement?

A Right.

Q And you saw him in that room, is that right?

A Yes.

Q And it was at that time that you described that he was in pain, as observed by you?

A I didn't ask him whether or not he was, but it seemed as if he was.

Q Well, didn't you observe his face?

A Yes.

Q And didn't you come in close to him?

A Yes.

Q And didn't you see that he was physically in pain?

A Yes.

Q So, then, it's a fair statement to say, at this stage, at that time, on that Sunday, that he was in pain?

A Yes.

Q And then the next time you saw him -- you tell us that you then went downstairs, is that correct, after you had seen him up in that bathroom?

A Not immediately, but shortly after.

Q And then you went back upstairs again and, at that time, you told us you saw him in bed?

A Right.

Q And it looked as though he was asleep?

A Yes.

Q What bedroom was that?

A In the back bedroom.

Q Would that be this bedroom here, near the bathroom, or in the front? (Indicating)

A The one farthest away from the stairway.

Q That would be this one back here? (Indicating)

A No.

Q This one? (Indicating)

A Yes.

MR. MARKLE: For the record, on State's Exhibit WW and XX, that is the bedroom that appears in the right-hand corner, and it says, "Bed, Table, Dresser."

BY MR. MARKLE:

Q That's the bedroom, is that correct?

A Yes.

Q And it was your testimony yesterday, I believe, that you had gone up to go to the bathroom and that as you went down, you saw him lying in bed?

A Not as I went to the bathroom, no.

Q Well, did you go over to see where he was?

A I went through the hallway to get something from the bathroom and looked in the room and saw him.

Q And who was in the bedroom with him?

A I don't remember.

Q You don't recall?

A No.

Q And he was lying on the bed as though asleep, is that right?

A Yes.

Q And then what, if anything, did you do?

A I turned around and walked away.

Q And was it shortly thereafter that you went to Hartford?

A Yes, shortly.

Q And did you see Landon Williams and Rory Withe in that Kimbro house before you went to Hartford?

A No.

Q And if I tell you -- what time was the Adam Clayton Powell rally on that Sunday afternoon?

A I don't remember when it was scheduled for.

Q If I tell you it was scheduled around 2:30, does that fix it in your mind at all?

A Well, I know it was in the afternoon.

Q Early afternoon?

A Yes, I guess so.

Q And, so, is it fair to say that you left the Kimbro apartment at about what time?

A Well, I can't really say.

Q You think it was between 11:00 and 1:00?

A Somewhere between that time.

Q All right. And you went in what car?

A In Warren Kimbro's car.

Q And who was in that car?

A Well, Warren Kimbro was driving, Maude Francis, Jean Wilson, Loretta Luckes and George Sans and I.

Q So it is fair to say -- when had plans been made to go to Hartford?

A It seems as though it was a week before, but I'm not sure.

Q So is it fair to say that for at least a week prior

to that particular Sunday, you had planned to go with Loretta Luckes, Maude Francis, Warren Kimbro --

A No.

Q No?

A No.

Q Who made the plans?

A It had not been decided who was going.

Q When was it decided who was going?

A When people got into the car.

Q At that moment, it was decided who was going?

A Well, first of all, two other people were supposed to go but when they found out George Sams was going, they turned around and went back into the house.

Q But Maude Francis went, right?

A Yes.

Q And she was, at that time, 15, and you let her go?

A Well, I told you before, I didn't know what age she was.

Q Jeannie Wilson went?

A Yes.

Q You didn't know at that time how old Jeannie Wilson was?

A No, I didn't.

Q How old was she? Do you know now that she was 15,

too?

A No, I don't.

Q You don't know how old she was?

A I don't know now.

Q But you knew she was 15 at the time?

MISS RORABACK: She said she did not know.

THE COURT: She does not know now. I don't know what that means.

Go ahead, counsel.

BY MR. MARKLE:

Q Did you find out that she was 15 in 1969?

A After we were arrested, yes.

Q After you were arrested. This was a girl who had spent or been seen around that apartment for approximately the month of March -- is that a fair statement -- of 1969?

MISS RORABACK: I object to that. That's a misstatement of the evidence.

THE COURT: No, not in March, not from what I remember.

BY MR. MARKLE:

Q When did you first see Jeannie Wilson -- well, when did you first see her?

A I don't really remember.

Q Did you meet her first in Bridgeport?

A Yes.

Q And you had fixed that you went down to Bridgeport sometime in early February?

A Yes.

Q And that's when you first saw her, is that not correct?

A Well, she wasn't there when I first went to Bridgeport; a little after that.

Q So it was sometime in February of 1968 -- '69, is that right?

A Yes.

Q And Maude Francis you saw at about the same time?

A Yes.

Q And where was Jeannie Wilson from?

A New Jersey.

Q And Maude Francis was from New Jersey?

A Yes.

Q And is it fair to say, from the middle of February, through these events in May, that you saw those girls quite a bit?

A Quite a bit, yes.

Q Every day?

A No.

Q Just about every day?

A Yes.

Q And you never once knew how old they were?

A No. I think I told you this morning that I took it for granted that they were around 19.

Q So the two of them, and Warren Kimbro, and yourself and Loretta Luckes went in that car to Hartford?

A And George Sams.

Q And George Sams, is that right?

A That's right.

Q Now, before you left for Hartford you had taken a ride to the Post Office with Warren Kimbro, is that not correct?

A Yes.

Q And who was in that car with you at that time?

A No one.

Q Just Warren Kimbro --

A Right.

Q -- and yourself. And you were, -- you voluntarily left the Kimbro apartment, is that not correct? 3131

A Yes.

Q And so there's no confusion, this is after both George Edwards and Mr. Rackley had been questioned, is that not correct?

A Well, I don't know when, what went on in the basement after I left.

Q Well, at any rate, hadn't Mr. Rackley gone -- Mr. Rackley had not gone upstairs yet, is that it, and you and Kimbro --

A When I left, he was still in the basement.

Q Yes, and was Mr. Edwards still down there being questioned?

A I think I told you that I didn't remember whether or not he had come up already, or whether he was still there.

Q And you drove off, just the two of you, to the Post Office?

A Yes.

Q And then you drove back to the Kimbro apartment?

A Yes.

Q And at no time during that trip did you call your in-laws to tell them what had happened?

A No, I didn't.

Q Or any members of the clergy?

A No.

Q Or anyone else, in National, or otherwise, to tell them what had happened to Mr. Rackley in the basement?

A No, I didn't.

Q Did you call the New York Chapter to find out why this had happened?

A No.

Q Then you went back to the house, to the Kimbro apartment?

A Yes.

Q Then you stayed around a while, and you left to go to Hartford?

A Yes.

Q And when you got to Hartford what did you do?

MISS RORABACK: If your Honor please, I don't believe this is any part of the direct. I'm just wondering if we have to go through that whole thing.

MR. MARKLE: Well, I would respectfully submit it is, your Honor.

THE COURT: Overrule the objection.

BY MR. MARKLE:

Q What did you do in Hartford?

A We drove to -- I'm trying to remember the name of the place. Anyway, it was a place where Adam Clayton Powell was speaking at a dinner. And we passed out leaflets.

Q And were those leaflets pro or against Mr. Powell?

A It's -- they weren't -- they definitely were not for him. But they weren't against him either. I can't remember exactly what was said.

Q And then what did you do after that rally?

A I think that we went to someone's house, and had some discussion.

Q In point of fact didn't you go to a Panther's house in Hartford and have a political education class?

MR. GARRY: That's what she just said.

THE COURT: Read back that last answer.

(The last answer of the witness was read by the court reporter.)

THE COURT: Now read back the question.

(The last question by Mr. Markle of the witness was read by the court reporter.)

BY MR. MARKLE:

Q Isn't that true?

A Well, he wouldn't have been considered a Panther. But we did have a political education class.

Q And how many people were there at that political education class on that Sunday afternoon, in Hartford?

A Between fifteen and twenty, I'd say.

Q And fifteen -- were the people from New Haven and Hartford that were there?

A Well, the people that were in the car with us were from New Haven.

Q And was there -- were there people from Hartford?

A Yes.

Q And were there people from New York?

A No.

Q Were there people from Bridgeport?

A I don't think so.

Q So the 15 to 20 people were composed of George Sams, Maude Francis, Jeannie Wilson, yourself, Warren Kimbro - did I leave anybody else out that went down with you?

A Well, Loretta Luckes was from Bridgeport.

Q And Loretta Luckes. All right. And the rest of the people were from the Hartford area, is that right?

A I'm not sure. But I, I took it for granted they were.

Q Whose house was it held at?

A A brother named "Butch."

Q Do you know his last name?

A No.

Q Would that be "Butch" Lewis?

A It could be.

Q And did you have supper there?

A Yes.

Q And then you came back to New Haven?

A Yes, sometime --

Q And was that around 7:30 P. M.?

A I don't know. It could have been later.

Q It could have been later. And during the period of time that you were in Hartford, did you mention what had happened to Alex Rackley to anybody in Hartford?

A No.

Q Did you make any telephone calls to anybody about what had happened to Alex Rackley in New Haven?

A No.

Q Did you discuss during the Political Education Class?

A No.

Q And you had supper and came back,--

A Yes.

Q -- isn't that right?

A Yes.

Q And when you got back, you testified at the premises -- question withdrawn.

When you left, isn't it a fact that George Edwards and Lonnie McLucas were at the premises at the Kimbro apartment, when you left, in addition to Margaret Huggins and Rosemarie Smith?

A I, I remember Peggy and Rose being there. But I don't remember whether Lonnie and GEorge were there or not.

Q You don't recall?

A No.

Q Was your baby still at the apartment?

A Yes. She was --

Q And was Margaret Huggins' children still there?

A I don't remember.

Q And I have reference to the Kimbro apartment now.

A Yes, I know.

Q And, now, you came back to the Kimbro apartment sometime in the evening on Sunday?

A Yes.

Q Correct? And you came back with the same people, including George Sams?

A Yes.

Q And it is a fact, isn't it, when you got back, Landon Williams and Rory Hithe were at the Kimbro apartment?

A Yes.

Q And at that time did you talk to Landon Williams and Rory Hithe about what had happened to Alex Rackley?

A No.

Q You saw them go upstairs, didn't you, when you came back?

A I know that when I came, when I went upstairs to use the bathroom, Rory came down the steps with me.

Q Did you tell us -- question withdrawn.

First of all, isn't it a fact when you got back to the Kimbro apartment, McLucas and Edwards were also there --

A I told you --

Q -- in addition to Hithe and Williams?

A -- I told you, I didn't remember whether or not they were.

Q When you got back, I'm asking about.

A I don't remember.

Q You don't remember?

A They could have been. But I really don't remember.

Q And didn't you tell us yesterday that you went upstairs accompanied by Rory Hithe upon your return, and that Landon Williams went up after you, and George Sams followed Landon Williams?

MISS RORABACK: Sorry, could that question be read?

THE COURT: Read it, Mr. Reporter.

(The court reporter complied.)

MISS RORABACK: That isn't the testimony, your Honor.

THE COURT: Well, it's a bit confusing. You ought to break it up.

BY MR. MARKLE:

Q When you went back, and you went upstairs, didn't you tell us yesterday that you were accompanied by -- going up the stairs -- by Rory Hithe?

A No.

Q And didn't you tell us also that Landon Williams followed you up, and that following --

THE COURT: Wait a minute. One question at a time.

MR. MARKLE: I'm sorry.

THE COURT: Read the question.

(The court reporter read as follows: "And didn't you tell us also that Landon Williams followed you up?")

A I don't know whether I said that Landon Williams followed me upstairs. But I know that he went upstairs and that George Sams followed him.

Q Followed Landon Williams upstairs?

A Yes.

Q That's to the second floor?

A Yes.

Q Of the Kimbro apartment?

A Yes.

Q And where did they go?

A I don't know.

Q Was Warren Kimbro up there, too?

A I don't know.

Q And you don't know whether they went into the bedroom to see Alex Rackley or not?

A Well, I went into the bathroom.

Q And when you came out?

A I walked down the steps.

Q And you don't -- you didn't go over to see, or hear what was happening in the room where Alex Rackley was?

A No.

Q Was the door open or closed?

A I don't know.

Q You don't know. And when did you next see Landon Williams and Rory Hithe?

A That's sometime -- sometime that same night. I don't know.

Q Where did you see them?

A It could have been in the living room, or the kitchen.

Q In point of fact didn't they go back to your apartment that night, to take you back to your apartment?

A I think they did, yes.

Q And you were at that time, on that Sunday night,

with Rory Hithe and Landon Williams, right?

A When they drove me back?

Q That's right.

A To my apartment? Yes.

Q And at that time did you have any discussion about Alex Rackley, the torture of Alex Rackley and the tape that had been made of Alex Rackley?

A I don't -- I don't remember any.

Q You don't recall any conversation?

A No. It was something I didn't enjoy talking about.

Q Well, the man was still up in that room, wasn't he, as far as you knew?

A As far as I knew, yes.

Q And he was in need of medical attention, as far as you knew; isn't that a fact?

A Well, when, at the last time I saw him, he was, yes.

Q And during that entire Sunday had you sent any food up to him?

A Had I?

Q Yes.

A Not personally. I had asked people if they did.

Q And who did you ask?

A Peggy.

Q Peggy Hudgins?

A Yes.

Q And did you hear her testify and say that she had not brought food up?

MISS RORABACK: I object to that.

THE COURT: Sustained.

BY MR. MARKLE:

Q Did you hear her testify?

A Did I hear her testify?

Q Peggy Hudgins.

A Yes.

Q Do you recall her saying that she fed Mr. Rackley?

A I don't recall what she said about it.

Q And then you left and you went back to your apartment. Did Mr. Williams and Mr. Hithe come up to your apartment that night?

A I -- I don't really remember whether or not they stayed and slept there, or whether they left. I can't be sure.

Q You can't be sure. But in any event, you're sure you did not talk to them about what had happened to Alex Rackley in the Kimbro apartment, that you're sure of?

A Yes.

Q And they didn't talk to you about it, that you're sure of?

A Yes.

Q And you didn't make any phone calls that night, Sunday night, concerning what had happened to Alex Rackley or for assistance for Alex Rackley?

A No, I didn't.

end tk.

(Page 3145 follows; no omission.)

BY MR. MARKLE:

Q And then did Mr. McLucas come back to your apartment with Peggy Huggins that night?

A I think so.

Q Did you discuss with them what had happened to Alex Rackley?

A No, I didn't.

Q And did Mr. McLucas say anything to you about what had happened to Alex Rackley?

A No, he didn't.

Q And no one discussed getting any assistance for Mr. Rackley, is that right?

A No.

Q So, now then we come to Monday morning, is that correct, of May 19th? That's the day Mr. Seale is coming in.

A Yes.

Q And it's on that morning that you left your apartment on Hurlburt Street and went where?

A Well, after a while, to Orchard Street.

Q And at any time that you were on the Kimbro apartment, in the Kimbro apartment, on Sunday night, did you see Landon Williams and Rory Hithe and Warren Kimbro go down to the basement?

A When?

Q Sunday night.

A No.

Q You don't recall them going down to the basement with George Sams?

A No.

Q And on Monday, when you went there, you went into -- where did you go, again, when you got up Monday morning?

A Where did I go?

Q Yes.

A I went to Orchard Street.

Q Correct me if I am wrong, you got up and had breakfast and went to Orchard Street?

A You're wrong.

Q What didn't you do?

A Well, I got up, and I am trying to remember whether or not I made a phone call to ask somebody to come and pick me up. I don't remember whether or not I did.

Q But, in any event, --

MR. CARRY: I think she ought to be allowed to finish her answer.

THE COURT: Wait a minute.

MR. MARKLE: I'm sorry. Go ahead.

THE WITNESS: But I don't eat breakfast, so --

BY MR. MARKLE:

Q You don't have breakfast, but, in any event, was it your practice, when you didn't have transportation over to the Kimbro apartment, that you would call over and get transportation?

A Sometimes. Sometimes I would walk, depending -- sometimes I would get a cab, if I could.

Q But there was available to you a telephone that you could use to call the Kimbro apartment?

A No. I had to go across the street and use it.

Q No telephone in your apartment, is that correct?

A No, there wasn't.

Q And so when you had to make a call, you would go across the street and make it?

A Yes.

Q And that telephone was available to you Monday, is that correct?

A It was available to everyone, yes.

Q And Sunday it was available to you when you got back?

A Yes.

Q And in spite of the fact that it was there and you could have freely called for assistance for Mr. Rackley, you never used that phone for that purpose?

MR. GARRY: I object to the question in the manner --

THE COURT: Sustained.

MR. GARRY: -- that it is being asked.

THE COURT: Sustained.

BY MR. MARBLE:

Q On Monday, on Monday morning, did you use that phone to call anyone to assist Alex Rackley?

A No, I didn't.

Q And you then went over to the Kimbro apartment, is that right?

A Yes.

Q And did you go with your child?

A I can't be sure.

Q Well, did there come a time when your child came to the Kimbro apartment?

A Well, sometimes one of the sisters would take care of her overnight, if they wanted to, you know.

Q You got to the Kimbro apartment, and you don't recall whether your daughter was with you or not?

A I don't recall whether I brought her there or whether she was already there.

Q You mean she may have stayed there from the previous night?

A Yes.

Q All right. And what happened is when you got there, you told us you had a conversation with George Sams in the kitchen?

A Yes.

Q And who was present at that conversation?

A Who was involved in it?

Q Yes.

A Well, I can remember Peggy and maybe one or two other sisters.

Q Peggy?

A Yes.

Q Margaret Huggins?

A Yes.

Q And was Frances Carter involved in that?

A I don't think so.

Q And you stayed on those premises, on the Kimbro premises, most of that day?

A No.

Q You left?

A I was in and out.

Q In and out?

A Yes.

Q Free to come and go?

A I don't understand what you mean by "free."

Q Did anybody stop you from leaving the premises?

A Well, George Sams didn't want anybody to go out that day.

Q Well, you went out?

A Well, yes, I did.

Q So you violated his order?

A No. I told him that there were things that had to be done.

Q And he let you go?

A After some argument.

Q Well, you had an argument with him?

A It was his argument. It was always that way, him arguing and the other person listens.

Q He had an argument with you, but you went anyway, --

A Yes.

Q -- is that right?

A Yes.

Q So he didn't stop you from going; and you came and went how many times?

A I don't know. I'm not sure.

Q And when you got out of that apartment on that particular day, those times that you were let go by Mr. Sams, did you call anybody to alert them as to what was happening

at the Kimbro apartment?

A No, I didn't.

Q And you came back voluntarily into the Kimbro apartment?

A Yes.

(Page 3152 follows - no omission)

Q And you left your baby there, in fact, with Mr. Sams, didn't you; in the same apartment with him, didn't you?

A Yes.

Q And I believe your in-laws came over that day? Your mother came over at one time -- your mother-in-law?

A Well, I didn't know that she had until later on.

Q But she did come?

A Yes.

Q And she left?

A Yes.

Q And people were coming and going all that day, weren't they?

A I would imagine so.

Q And Mr. Sams wasn't stopping them, was he?

A Well, I wasn't there to see whether or not he was, so I can't say.

Q Well, did you stay out most of the day after that?

A I was in and out, and the times I was there, he was harassing people, yes.

Q He was harassing people?

A Yes.

Q He didn't stop anybody from leaving, though, did he?

A Yes.

Q He did?

A Yes.

Q Who did he stop?

A He stopped Rose Smith and Margaret Hudgins from leaving.

Q Where is Rose Smith now?

A I don't know.

Q You don't know?

A No.

Q And did you ask -- when Margaret Hudgins was on the stand, do you recall her testifying had he ever stopped her from leaving?

MR. GARRY: May I hear that question?

THE COURT: It may be read.

(The last question by Mr. Markle of the witness was read by the court reporter.)

MR. GARRY: I don't understand that question.

THE COURT: Why don't you rephrase it, Mr.

Markle.

BY MR. MARKLE:

Q Did you ever hear of one question asked of Margaret Hudgins, by either defense counsel, as to whether or not -- question withdrawn.

Did you ever hear one question asked on cross--

examination of Mrs. Hudgins about her not being able to leave those premises?

MR. GARRY: If your Honor please, --

THE COURT: I don't understand that either. Can't you do better than that?

BY MR. MARKLE:

Q Did Mrs. Hudgins ever testify she was stopped from leaving the premises on Monday --

MR. GARRY: Well, your Honor, --

BY MR. MARKLE:

Q -- in this courtroom?

MR. GARRY: If your Honor please, that's not an intelligent question either.

It has nothing to do with what some other
witness testified. 3154

THE COURT: All he is asking is does she recall hearing Margaret Hudgins testify that George Sams restrained her from leaving the apartment. That's all he is asking. That's all.

Overrule the objection.

Do you understand the question?

THE WITNESS: Yes.

THE COURT: All right.

THE WITNESS: No, I don't recall.

BY MR. MARKLE:

Q And sometime in the evening, you and Mr. Kimbro went to meet Mr. Seale, right?

A Yes.

Q And at that time, the two of you were alone, you and Mr. Kimbro?

A In the car.

Q In the car?

A Yes.

Q Is that right?

A Yes.

Q And at that time did you appeal to anyone to assist Alex Rackley or do anything about Alex Rackley?

A No.

Q Did you discuss it?

A Did I discuss it with who?

Q With Mr. Kimbro?

A No.

Q Did you say, "The Chairman is coming to town, and we'll talk to him about it"?

A No.

Q And Mr. Rackley was still upstairs in that bedroom, wasn't he?

A As far as I know.

Q Did you check on that Monday?

A No, not that I remember. No.

Q You didn't even go upstairs to see how he was, is that correct, on that Monday?

A Not that I remember, no.

Q And I think you said that when you went to Hurlburt Street -- question withdrawn.

First you saw him in the car. When you met the Seale car coming off the highway, you recognized the Chairman and Landon Williams, is that correct?

A Yes.

Q All right.

THE COURT: "Chairman" means whom?

BY MR. MARKLE:

Q Chairman Bobby Seale and -- Chairman Seale, is that right?

A Yes.

Q And Landon Williams?

A Yes.

Q Did you see who else was in the car?

A Not at that time, no.

Q Now, George Sams was not with you at that time?

A With me?

Q That's right.

A No.

Q You were away from the apartment?

A Yes.

Q Did you go over to the car in which Mr. Seale was in and tell him what had happened to Alex Rackley?

A No.

Q Did you tell Mr. Landon Williams, at that car, what had happened to Alex Rackley?

A Well, I didn't get out of the car.

Q Well, was there anything stopping you from getting out of the car at that point?

A Well, I didn't feel like I could talk to anybody.

Q You didn't feel you could talk to anybody?

A No.

Q That's your testimony, that you didn't feel that you could talk to anybody about what had happened to Alex Rackley?

MR. GARRY: It's been asked and answered, if your Honor please.

THE COURT: Overruled.

BY MR. MARKLE:

Q Is that your testimony?

A That's correct.

Q Was there something about Mr. Seale that prevented

you from talking to him at that stage about Mr. Rackley?

A Was there something that prevented me?

Q Yes. That you didn't feel you could talk to him?

A I didn't know him, and at the time I wasn't -- I guess I wasn't thinking, you know, of ways in which to approach anyone about it, you know.

Q Well, now, this --

A And I felt that I wouldn't -- I just didn't feel that I could say anything, you know. I just didn't feel that way.

Q How about Landon Williams, an old friend from Oakland; you had seen him here, you had talked to him?

A I -- I -- you know, Landon Williams is my brother, you know, one of my brothers in the Party, but he wasn't an old friend.

Q Well --

A And I didn't feel I could talk to him either.

Q In point of fact, didn't you feel that Landon Williams was in charge of the situation, as far as Rackley was concerned?

A No, I didn't.

Q You didn't?

A No.

Q But you didn't feel you could talk to a brother

about what had happened at that apartment that made you nauseous?

A Well, you see, it's very hard, first of all, for a woman to be heard by men.

Q Well, you heard yourself on that tape. There was no problem being heard there, was there?

A There was no problem of me being heard?

Q Yes.

A No, I wouldn't say there was.

Q So what you are telling me is the reason that you did not tell anybody about what had happened to Mr. Rackley is because you were a woman?

A That's part of the reason, yes.

Q When you told him to sit down and keep still, the victim, did you feel you were a woman?

A I was doing that for a reason, that I tried to explain before, that I felt if I didn't say something, that George Sams would do something to harm Alex Rackley further, and the whole --

Q And that's --

MR. GARRY: Can I hear that question and answer?

THE COURT: It may be read.

(The last question by Mr. Markle of the wit-

ness and the answer of the witness, were read by the court reporter.)

THE COURT: Would you finish your answer?

BY MR. MARKLE:

Q Have you finished?

A Yes, I'm finished.

Q You're finished?

A Yes.

(Page 3161 follows; no omission.)

Q Did you feel that Warren Kimbro couldn't speak out?

A I didn't have any feelings at all.

Q Did you feel -- I'm sorry. Go ahead and finish.

A I didn't have any feelings at all, you know, about the reason for Warren Kimbro not saying something.

Q Well, did you talk to him? Did you say, "Warren, go over and speak to the Chairman and Landon Williams, there's a man who was tortured in that room, lying there in pain"; did you say that to him?

A I told you what I -- well, I didn't tell you, but I said yesterday that I asked him why all of this was necessary, and he gave me a very confused strange look and didn't answer me.

Q I understand that.

A And I felt that -- I felt that if he couldn't say anything, then I certainly couldn't.

Q Well, he wasn't even a Panther, was he?

A As far as I was concerned, he was.

Q Well, had he been told by Landon Williams there were no other Panthers in this State except you?

A That everyone was acting as a Panther member. As far as I'm concerned, this is the same thing.

Q He was a Panther in training, wasn't he?

A (No response.)

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Huggins - cross

Q Isn't that a fact?

A No.

Q No?

A No.

Q And was Lonnie McLucas a Panther?

A As far as I was concerned, he was.

Q And did you say to Lonnie McLucas, when he was at your apartment, "Listen, the Chairman is coming in, you've got to go tell him what happened, or talk to Landon Williams, tell him what happened"?

A No.

Q No. And so -- and the reason you didn't do that is because you felt you couldn't relate to either, I take it, McLucas or Kimbro?

A Yes.

Q And when you got to the apartment on Ruxlurt Street, your in-laws came up, is that right?

A Yes.

Q And did you tell them at that time -- you went over to meet them, right, on the street, you told us?

A Yes.

Q Did you take them aside and say, "Listen, this horrible thing has happened. You've got to help this man, give us some assistance. It's got nothing to do with the

Panthers, just give us some assistance." Did you tell them that?

A No.

Q Did you say, "There is a man lying in the room in pain who was burnt with hot water. Get us some help." Did you tell them that?

A No.

Q And so now everybody went up to your apartment?

A Yes.

Q And in your apartment was Kimbro, Nithe, David Brothers, June Hilliard, Mr. Seale and an unknown male, is that right?

A Yes.

Q Who is the unknown male, as you know him today?

A I told you -- well, I said before I didn't know who he was.

Q Even to this day, you don't know who he was?

A No.

Q This man that sat in all these conversations up in your apartment, --

A No.

Q -- you don't know who he was?

A No, I don't.

Q But he was traveling with the Seale party?

A I believe he was, yes.

Q Well, let's just check that out. When they got to Hurlburt Street, in your apartment, who got out of your car?

A Warren Kimbro and I.

Q Who got out of the Seale car?

A Chairman Bobby, Landon, Rory, June Hilliard and David Brothers, and the other brother.

Q And who is June Hilliard, as known to you?
What position does he hold in the Panther Party -- in May of 1969?

A In May of 1969?

Q Yes.

A Assistant to the Chief of Staff.

Q And how does the Party break down at that level; who is at the top?

A Who is at the top of what?

Q Of the Panther Party.

A There is no top.

Q There is no chairman?

A That's not the top.

Q What is the top?

A Well, there is a collective body.

Q What is the collective body?

A I guess it would be called the --

Q I'm sorry, I can't hear you.

A It would be called the Central Committee.

Q And who is the Central Committee?

A Who is the Central Committee?

Q Yes. In May of 1969.

MISS RORABACK: Well, --

THE WITNESS: I don't understand what you mean.

BY MR. MARKLE:

Q Who was the Central Committee of the Black Panther Party in May of 1969?

A A group of people.

Q Well, I understand that, Mrs. Huggins. You were the Political Education teacher. I'm asking you who they were at the top.

A Oh, who they were?

Q Yes.

A Oh, a number of people. Bobby Seale.

Q What position did he hold?

A The Chairman.

Q Pardon?

A The Chairman.

Q Chairman of what?

A Of the Black Panther Party.

Q All right, that's what I asked you. Thank you.

Go ahead.

A Huey Newton.

Q Huey Newton. What position did he hold?

A The Minister of Defense.

Q Minister of Defense?

A Yes.

Q Go ahead. Who else?

A David Hilliard.

Q David Hilliard. And what position did he hold?

A Chief of Staff.

Q That's of the Black Panther Party, right?

A Yes.

Q Go ahead.

A I don't -- I don't know whether I can remember, you know, exactly where everybody else was then. It was a change, you know --

Q Well, was there an Eldridge Cleaver in the Party at that time? In May of 1969?

A Yes.

Q Do you remember what position he held?

A Minister of Information.

Q Of the Black Panther Party?

A Yes.

Q And Kathleen Cleaver?

A Yes.

Q Did she hold a position?

A Yes.

Q What was the position she held in May of 1969?

A Communications Secretary.

Q And June Hilliard?

A He was Assistant Chief of Staff.

Q That's to David Hilliard? Is that right?

A Yes, but I'm not sure whether or not he would be part of the Central Committee. I'm not sure.

Q You didn't know that, whether he was part of the Central Committee?

A No, I didn't.

Did you hear me?

BY MR. MARKLE:

Q I'm afraid I didn't.

A I said no, I didn't.

Q You did not know whether or not he was part of the Central Committee?

MR. MARKLE: Asked and answered.

THE WITNESS: Like I wasn't sure.

BY MR. MARKLE:

Q You weren't sure, okay.

Now, David Brothers was in that car and you told me he was what, in the New York party?

A He was Deputy Chairman of the State of New York.

Q And so they went up to your apartment, is that correct?

A Yes.

Q And you told me that they sat around and they talked in the kitchen?

A Yes.

Q And is it fair to say that, as the County Detective Pastore fixed the time, it was at about 5:50 P. M. that that party arrived?

MISS RORABACK: I think that's a slightly confusing question, your Honor.

THE WITNESS: I don't know, you know, the time.

I'm not sure whether Mr. Pastore -- I'm not sure what time he said.

BY MR. MARKLE:

Q You have no idea of what time the Chairman came on that --

THE COURT: She didn't say that. She is not sure what Sergeant Pastore said. That was her answer.

BY MR. MARKLE:

Q Can you tell me what time Mr. Seale came to New Haven on that day, May 19, 1969?

A No, I can't, but I can say that it was, you know, in the evening, it was before dark.

Q It was before dark?

A Yes.

Q Is it fair to say that it was some place between 5:00 and 6:00 P. M.?

A I guess it would be safe.

Q And they went to your apartment and they sat around in that kitchen, as I recall you testified, and they talked. Landon and Rory took baths, is that correct?

A Yes.

Q So that would leave in the kitchen -- was Mr. Kimbro still there?

A I don't know. He didn't remain very long.

Q So is it fair to say then that there was David Brothers, Bobby Seale, June Hilliard, Landon Williams, Rory Withe, the unknown male and yourself?

A Yes.

Q And did there come a time when Lonnie McLucas came to that apartment on that afternoon?

A I don't remember.

Q You don't recall Mr. McLucas coming there?

A No, I don't.

Q Wasn't he living there?

A Yes.

Q Had anybody told him not to come back to that apartment?

A No.

Q So wouldn't it be natural that he would come back to get ready to go to the rally?

MR. GARRY: That's argumentative, if your Honor please.

THE COURT: I'll sustain the objection.

BY MR. MARKLE:

Q Can you tell me for a fact that Lonnie McLucas did not come back to that apartment?

A No, I can't tell you for a fact.

Q You just don't recall whether or not he did?

A That's correct.

Q And in that apartment sometime after 6:00 o'clock -- I think you told us that Kimbro only stayed briefly and then left?

A Yes.

Q During that time, did you say to Mr. Seale or Mr. Withe or Mr. Williams or Mr. Hilliard or Mr. Brothers or the unknown male that there was a brother who had been tortured against Party rules and regulations and that he was being held at the Kimbro apartment?

A I tried.

Q Who did you try to tell?

A I tried to speak to someone, but there was a conversaton going on and I got cut off and I didn't try again.

Q You mean this man was being held there in this condition and you tried to say something and you got cut off, and you let it go?

MR. GARRY: That's argumentative, the method that he is using.

THE COURT: I will sustain the objection. She said she tried.

BY MR. MARKLE:

Q Who did you try to talk to?

A Well, I tried to say something to Chairman Bobby.

Q What did you try to tell him?

A You want to know what I was thinking to say, because I never got it out.

Q I want to know what you said.

A I said, "There is a brother..."

Q A brother?

A That's what I said.

MISS BORABACK: I didn't hear that.

THE COURT: It may be read.

(The last two questions by Mr. Markle and the last two answers of the witness were read by the court reporter.)

(Page 3173 follows - no omission)

BY MR. MARKLE:

Q That's all you said?

A Yes.

Q And you were cut short?

A Yes.

Q And so from 6:00 to whatever time Mr. Seale and you went to the Battell Chapel, you never again tried to tell him that there was a brother who had been tortured?

A No, I didn't.

Q That's your testimony?

A Yes.

Q And during that period of time, isn't it a fact that Landon Williams -- question withdrawn.

Isn't it a fact that June Hilliard left with Rory Hithe and Mr. Kimbro?

A I can't say whether that is a fact or not, I don't remember.

Q You just don't know; you don't recall?

A I don't recall.

Q You won't say they didn't; you just can't recall?

A I couldn't say whether they did or not.

Q And did Chairman Brothers go out at any stage from that apartment?

A Yes, I think he did.

Q And wasn't Warren Kimbro told to watch him?

A I don't remember.

Q You don't recall that either?

A No.

Q And is it not a fact that June Hilliard came back to the apartment later, before the speech?

A You see, I'm not sure whether or not he ever left.

Q How big was your kitchen at that time?

MR. GARRY: That's been asked and answered, and had it described this morning.

MR. MARKLE: I doubt --

THE COURT: You may answer it.

A From about the radiator to the end of the first table over there in width, maybe a little longer, and from about where I am sitting to, possibly, your table in distance. (Indicating)

Q Would you say that 12 by 12 is fair?

A No, that would be too long. Possibly this table.

THE COURT: Too long?

THE WITNESS: I mean too far in distance to the front door. The front door entered into the kitchen.

MR. MARKLE: 10 by 12, Miss Roraback?

MISS RORABACK: I'm very poor on distances.

THE COURT: What distance do you think it is from the end of the table to that radiator?

(Indicating)

MISS RORABACK: It looks like more than 12 to me.

THE COURT: It sure does to me.

MR. MARKLE: 15.

MISS RORABACK: 14 or 15. I will put 15 as that distance.

MR. MARKLE: And to here as 10? (Indicating)

MISS RORABACK: Yes.

THE COURT: Counsel agree?

MISS RORABACK: Yes.

THE COURT: 10 by 15.

BY MR. MARKLE:

Q And there was in that room 10 by 15 Warren Kimbro, who had left, Rory Hithe, Landon Williams, June Hilliard, David Brothers, the unknown male and yourself?

A Not all at once because there were people doing lots of different things.

Q But you don't recall anybody leaving?

A I don't recall anybody leaving?

Q Yes.

A I recall Chairman Brothers leaving.

Q And do you recall Landon Williams leaving? And coming back?

A No.

Q Do you recall Rory Hithe leaving and coming back?

A No.

Q Do you recall June Hilliard leaving and coming back?

A No.

Q The unknown male leaving and coming back?

A No.

Q And then you stayed in that kitchen and talked about Party policy and things, isn't that a fact, didn't you tell us you talked about the Party?

A Yes.

Q And wasn't it the fact that at that time the infiltration of the New York 21 was discussed?

A Not in depth, no.

Q Not in depth. Wasn't it discussed?

A Basically things were said about the lawyers and, you know, preparation for their defense, but I can't remember anything else.

Q And you didn't at that stage, say there is a brother that has been questioned about the New York 21 at the house and he's in terrible pain?

A I told you that I began to say something before

and when I was cut off, I just didn't say anything.

Q At this stage, did you say anything when they were talking about the New York 21?

A No.

Q Did Brothers ever ask you during that whole time that he was in your apartment, what happened to that brother that I left at the apartment?

MISS RORABACK: Who are you referring to, Chairman Brothers?

MR. MARKLE: I am talking about David Brothers.

A No.

Q Never asked you once?

A No.

Q Never got him aside and said that I have to tell you about Mr. Rackley who was from your chapter?

A No.

Q Is there any reason you didn't?

A I didn't feel I could talk to him.

Q You didn't feel you could talk to David Brothers either?

A (No response.)

Q Hadn't you talked to him that Saturday night when he came down about Party ideology and Party plans, when he came down to talk about the retreat?

A Yes.

Q Didn't you tell us that you talked to him at length in the kitchen that night?

A Not at length. I talked to him, yes.

Q Were they here from about 11:00 to 4:00 A.M. that night?

A No, I don't think so. Well, I know I didn't talk to him all that period of time if he was.

Q But you did talk to him, say, an hour?

A Yes.

Q And, now, two nights later or two days later, you feel you can't talk to him?

A A lot of things had happened in two days.

Q All right. Then you left your apartment, is that right? This is on that Monday night?

A Yes.

Q And you were on your way to Battell Chapel?

A Yes.

Q Where did you go?

A To Battell Chapel.

Q Directly?

A (No response.)

Q You made no stops?

A Not that I can remember.

Q So, then, when you said yesterday that you're not sure, is it possible you made a stop going over to Battell Chapel?

A I don't think I did. It's a possibility.

Q You don't think you did?

A I said I don't think I did. It's a possibility.

Q So you don't think you did; you went directly to Battell Chapel?

A I would say yes.

MISS RORABACK: May the last answer be read back.

THE COURT: The last answer may be read back.

(The last two questions by Mr. Markle and the last two answers of the witness were read by the court reporter.)

end tk.

(Page 3180 follows; no omission.)

Q And at that time in the vehicle you were in, was Landon Williams, Roly Hithe, David Brothers, Seale, the unknown male, and June Hilliard?

A Yes.

Q Isn't that a fair statement?

A Yes, it is.

Q And during that entire trip over to Battell, was there any discussion of Mr. Rackley?

A Not that I know of.

Q Not that you know of. Was there any discussion of the tapes?

A No.

Q Was there any discussion of the informants as to the 21?

A No.

Q And when you got over there, you all got out and they all went in, all these people?

A Yes.

Q And you went up on the stage?

A Yes.

Q After a bit?

A Yes.

Q And you were asked if you would introduce Mr. Seale?

A Yes.

Q And that was at the time when you hadn't expected to introduce him, isn't that right?

A Yes.

Q And you made the introduction?

A Yes.

Q And it was at that time that you said -- you weren't afraid to talk -- about how many people were there?

A I don't know. I didn't look at them.

Q Were there a lot?

A Yes.

Q And you weren't afraid to make that introduction, were you, as a woman?

A Yes, I was.

Q You were? And you spoke on that tape, and you made that introduction?

A Wait a minute, I'm confused.

MISS RORABACK: Yes, if your Honor please --

THE COURT: You're talking about Battell?

MR. MARKLE: Yes, sir.

MISS RORABACK: He's asking whether she spoke at Battell, but I think he made reference to a tape that's not an exhibit in this case. It's incorrect.

MR. MARKLE: I would offer that.

BY MR. MARKLE:

Q Did you hear the tape that was played here of Mr. Seale's speech?

A Yes, I did.

Q And did you make the introduction on that?

A YES.

Q Is that recording a true and accurate reproduction of what you said that night?

A I guess it is. I, I don't even remember what I said.

MR. MARKLE: I'd offer that introduction as my exhibit, your Honor.

MISS RORABACK: I have no objection, your Honor.

THE COURT: All right.

MR. GARRY: I move that the whole tape go in.

THE COURT: Well, it's already --

MR. GARRY: I thought it was already in.

THE COURT: -- in your case, but not in Miss Roraback's.

MR. GARRY: Oh, I see.

BY MR. MARKLE:

Q Do you recall saying --

THE COURT: Wait a minute, until we get straightened out here.

That's triple "A," is that right, Mr. Clerk,

the introduction?

MISS PORABACK: What is that number again, your Honor?

THE COURT: Triple "A," -- no, wait a minute. It isn't, it isn't. Double "X." It's only in your case. It's double "X."

MISS PORABACK: Thank you, your Honor.

(The tape referred to was received in evidence as DEFENDANT HUGGINS' EXHIBIT XX.)

THE COURT: All right, Mr. Markle?

MR. MARKLE: Your Honor, could we take our morning -- our break. And then I'll set it up.

THE COURT: Yes, it's kind of stuffy.

All right, we will take our afternoon break now.

(A recess was held at 3:10 P. M. o'clock.)

(The court reconvened)

THE COURT: All set, counsel?

MISS RORABACK: Yes, your Honor.

MR. MARKLE: Yes, your Honor.

THE COURT: Bring in the jury.

(The jury entered the courtroom at 3:25 P.M.)

THE COURT: All right, Mr. Markle?

MR. MARKLE: Thank you, your Honor.

BY MR. MARKLE:

Q After the speech on Monday night you got back into the vehicle that you had come in, isn't that right?

A Yes.

Q And I have reference to the speech at Yale?

A Yes.

Q All right. And who got into that vehicle with you at that time?

A Well, I got in last.

Q And who did you see in the vehicle?

A Landon Williams and Rory.

Q Landon Williams and Rory Hithe?

A Yes.

Q And who else?

A And Chairman Bobby, David Brothers and June Hilliard.

Q I'm sorry, who?

A June Hilliard.

Q And where did you go?

A To Orchard Street.

Q And where did you park -- who was driving, let me ask you that, who was driving?

A Landon Williams.

Q And at that time there was no discussion at this time about the tape or Mr. Rackley?

A No.

Q Or the torture, by anyone?

A No.

Q And when you stopped outside of the Kimbro apartment you got out?

A Yes.

Q And at that time did you have any discussion with Mr. Brothers about Alex Rackley?

A No.

Q And did he ask about the person that had been left in New Haven?

A No, he didn't.

Q And you went into the apartment, and I believe you testified you went straight into the kitchen?

A Yes.

Q And in the kitchen you checked your daughter?

A Yes; I talked to Peggy about it.

Q Now, when you went to the rally, when had you left your daughter at the Kimbro apartment -- that's on Monday.

A I believe that she was there, like, you know, all day; from the morning.

Q All day?

A Well, I was there sometime during Monday morning. Remember I told you that?

Q Yes; and she was there?

A Yes.

Q All right. And then the next time you saw her was at that evening hour?

A Yes.

Q What hour was that?

A I don't know. It was sometime after the speech.

Q Now, during that entire day, including the evening hours, it's a fact that Mr. George Sams was on those premises, wasn't he, the Kimbro premises?

A During that time?

Q Yes.

A Yes.

Q And when the rally, when the people left to go to the rally, in point of fact Mr. Sams remained in the Kimbro apartment with Margaret Huggins, didn't he?

A Yes.

Q And you knew that?

A Yes.

Q How did you know that?

A Because before we left, to go and meet Chairman Bobby, Peggy wanted to go and hear the speech. And George Sams told her, she couldn't go. And I knew, because -- of course, I knew he was staying, and I knew she was staying there.

THE COURT: Did you hear that, ladies and gentlemen?

THE WITNESS: I'm sorry --

THE COURT: Please keep your voice up, Mrs. Huggins. Read it back, Mr. Reporter.

(The court reporter complied.)

BY MR. MARKLE:

Q So you left your child with Peggy Hudgins and George Sams, correct, on that given Monday?

A I left my child with Peggy Hudgins.

Q And the other person that was on those premises besides Mr. Rackley was George Sams?

A There may have been other people there. I don't know.

Q You know who else was there?

A No. I said, I don't know.

Q In other words, you didn't check before you left the child there on that given Monday, you just knew Peggy Hudgins would be there, and from what you just told us you knew George Sams would be there?

A Yes.

Q And that's all the adults you knew that would be on those premises, besides Mr. Rackley?

A Yes.

Q Now, when you came back in, you told us yesterday that you stayed about 20 minutes and then left?

A Yes.

Q And during the time that you got out of that car, did you see anyone else get out of the car that you had come in?

A No.

Q And when you came back out from that car, from that apartment to the car, did you see anyone else getting into that car?

A Not that I remember.

Q Not that you can recall?

A That's correct.

Q So what you are telling me is, you wouldn't say "No," it's just that you can't recall whether you saw anybody getting into that car?

A I said, I couldn't recall.

Q Did you see anybody standing outside or near the car on the curb, or on the steps?

A No.

Q And then you went back to your apartment?

A Yes.

Q And with you at that time was still Hilliard?

A Yes.

Q And the unknown male?

A Yes.

Q And Rory Hithe?

A Yes.

Q And Landon Williams?

A Yes.

Q And David Brothers?

A Yes.

Q Anybody else?

A And Bobby Seale.

Q And Bobby Seale? And when you got there, was Mr. McLucas there at the apartment, at your apartment?

THE COURT: Hurlburt Street?

MR. MARKLE: Hurlburt Street, yes, sir.

THE WITNESS: I don't remember. I don't think that anyone was there, I'm not sure.

BY MR. MARKLE:

Q And when you got there, did everyone, all of those people come into the house?

A Yes.

Q Into your apartment?

A Yes.

Q And at that time did you sit around and talk -- Mr. Seale had gone in and laid down you told us, right?

A Right.

Q And now you were with June Hilliard, David Brothers, Landon Williams, Rory Hithe?

A Yes.

Q And it was your apartment?

A Yes.

Q And you sat around and talked, you told us?

A Well, I also said that I couldn't remember whether Landon and Rory went to sleep, too.

Q All right. Let's assume that they had gone to sleep. So that leaves you with June Hilliard and David Brothers?

A Soon after that David Brothers went to sleep.

Q And that left you with June Hilliard?

A Right.

Q Did you ever say to Mr. Hilliard, while you were talking to him -- there's nobody around to interrupt you -- did you ever say to Mr. Hilliard, "Listen, I got to tell you that there's a brother in terrible pain, and there's a tape recording made of him, and a horrible thing was done to him, and we've got to get him some assistance"?

A No, I didn't.

Q Did you discuss the tape with him?

A No, I didn't.

Q Did you discuss the New York 21 with him?

A No.

Q And he not with you either?

A No.

Q And no mention was made of Rackley by either of you?

A No. Really didn't talk.

Q You just sat in the kitchen?

A I mean, well, we carried on a conversation. But he's a very quiet person, you know? And we were both tired.

Q Well, he was quiet, and a man was in grave pain, and you had an opportunity to talk to him, didn't you?

A I didn't want to talk about it.

Q You didn't want to talk about it?

A I -- first of all, I didn't feel that I could.

And secondly, I was detached.

Q You were "detached"?

A Yes. That's a word that explains the state of mind I was in, I guess.

Q When you got up and made that speech on behalf of Mr. Seale, you weren't detached, were you?

A Yes.

Q And when you said, "All power to the people, and student power to the students" --

A I was very much detached or I wouldn't have been

able to make the speech.

Q Well, you had done a lot of public speaking, hadn't you, in point of fact?

A Off and on, yes.

Q So, this was no new experience to you, you told us you addressed --

A It was the same experience, under new conditions.

Q Well, you told --

MR. GARRY: I didn't get that answer. May it be read?

THE COURT: Read it, Mr. Reporter.

(The court reporter complied.)

BY MR. MARKLE:

Q Well, you had a firm power of what you were saying, you said, "Panther power to the Vanguard. Long live the people's revolutionary struggle"; do you remember saying that? And then you said, "Free Huey. There's nothing I can say, except to introduce one of the founders and prime organizers of the Black Panther Party"?

A Yes.

Q "A brother who went out into the streets, you know, and saw that people were being oppressed" -- that's exactly what was happening to Alex Rackley, wasn't it? The people -- he was being oppressed?

MR. GARRY: That's argumentative, your Honor.

THE COURT: Sustained.

BY MR. MARKLE:

Q Didn't you say that?

A Yes.

Q "The people are being oppressed, the people are being oppressed"?

A Yes.

Q And that "People had a lead foot on their necks"?

A Yes.

Q "And he said, 'I ain't going to take it any more,' you know"; you said that, didn't you?

A Yes.

Q "And he represents all black people who can't take it any more so I'm going to give you Chairman Bobby"?

A Did I say that?

Q Yes.

A Yes.

Q And when you said that "People had a lead foot on their necks" -- did that bring to mind Alex Rackley?

MISS RORABACK: I object, your Honor.

THE COURT: Overruled.

THE WITNESS: Did it bring to mind -- excuse me?

I don't recall what it brought to mind.

BY MR. MARKLE:

Q And when you said people were being oppressed, did that bring to mind Alex Rackley?

A I don't recall.

Q And when you said that he "represents all Black men who can't take it any more," did that bring to mind Alex Rackley?

A I don't recall.

(Page 3196 follows - no omission)

Q Now, Tuesday morning, you got up, as I understand it, and you were awakened by whom on Tuesday morning?

A One of the people who was there. I don't remember which one. Someone called my name.

Q Now, all that time, all Monday evening, night, when you were with Mr. Seale, you were free to come and go?

A From where to where?

Q From your apartment. From the time you went to pick him up, went to Battell Chapel, came back to the Kimbro apartment, then to your apartment, all of that night -- I'm talking about all of Monday night and early Tuesday morning -- you were free to come and go as you chose?

A Not really.

Q No? Who had ordered you to stay?

A No one had. I thought you asked me was I free to come and go. No one ordered me to stay anywhere, no.

Q So that you were a free agent, you could take phone calls and make phone calls, do as you please?

A No.

Q Who stopped you?

A I said I couldn't do as I please.

Q Why not?

A You know, I felt very stifled in my movements.

Q By whom?

A By the constant thought of George Sams and what he was probably doing at Orchard Street, and not only that, I was being -- you know, forlorn while followed -- harassed by policemen, and --

Q That night?

A Yes

Q And you, not once --

MR. GARRY: I don't think she finished with her answer.

THE COURT: Have you finished?

BY MR. MARKLE:

Q Have you finished your answer?

A I didn't hear what you said.

Q Did you finish your answer?

A Well, I would go on, but I'm finished with it for the moment.

Q Well, you didn't mention any of this to anybody, at any time, did you, that Tuesday night?

A No, I didn't.

Q Or that Monday night, I mean, and that Tuesday morning, all this oppression, all this repression; you didn't mention it, nor the condition of Alex Rackley, to anybody?

A I don't quite understand what you mean, I'm sorry.

Q You told me that you were very upset over what had

happened to Alex Rackley?

A Right.

Q But you talked to no one about it nor did anything about it?

A That's how I am when I get upset, I don't talk.

Q That's how you are when you are upset, you don't talk?

A Right.

Q So when you are on that tape, you are not upset then because you are talking?

A That's the other extreme of it.

Q Oh, that's the other extreme. All right.

And when you got to Tuesday morning -- I mean, you had breakfast in the early morning hours?

A I got up?

Q Yes.

A Yes.

Q And who was in the apartment?

A The same people.

Q June Hilliard?

A Yes.

Q Bobby Seale?

A Yes.

Q David Brothers?

A Yes.

Q Landon Williams?

A Yes.

Q And Rory Hithe?

A Correct.

Q And where did you go with them?

A Well, we drove in the direction of Orchard Street, where they let me off.

Q And didn't Mr. Seale go in the Kimbro apartment then?

A He came in later.

Q How much later?

A I don't know.

Q1 Well, they let you off?

A Yes.

Q Where did they let you off?

A Where did they let me off?

Q Yes. They stopped the car?

A Right. And let me off.

Q You got out?

A Yes.

Q You went in the house?

A Yes.

Q And then you checked on your baby?

A I don't think that was the first thing I did, but I did eventually, yes.

Q What was the first thing you did?

A I went into the kitchen, and I just looked on the counter for something, I don't remember what, and I sat down at the table.

Q That's the kitchen table?

A Yes.

Q And what did you next do?

A I don't remember. I was writing something.

Q All right. And you stayed writing there in the kitchen?

A Or doing something. I was doing something at the kitchen table. I don't quite remember.

Q Who else was in the kitchen, if you remember?

A I can't remember.

Q This is Tuesday morning?

A Yes. It was very quiet. Mostly everybody was asleep.

Q And how had you gotten in, did you have a key?

A Did I have a key?

Q Yes.

A No.

Q Someone let you in?

A I think so.

Q Who let you in?

A I don't remember.

Q You don't recall who let you in?

A No.

Q And then you went in and you were working in the kitchen, and then what happened?

A Oh, then, shortly after that, Bobby came in, Chairman Bobby, and I said I couldn't remember whether or not he made a phone call or received one, and --

Q Who let -- who let him in?

MR. GARRY: I think she is trying to answer the question.

MR. MARKLE: I'm sorry.

MR. GARRY: He keeps interrupting her.

THE COURT: Would you read that last answer, Mr. Reporter.

(The last question by Mr. Markle of the witness, and the answer of the witness, were read by the court reporter.)

MR. MARKLE: I'm sorry for interrupting you.

BY MR. MARKLE:

Q Have you finished?

THE COURT: Did you finish your answer?

THE WITNESS: I couldn't really hear it from the noise, and I don't know where I left off.

THE COURT: Is there anything you want to add to that answer, the last answer he just read?

THE WITNESS: Could you read it again?

THE COURT: Read that last answer about she doesn't recall whether or not he received a phone call or made a phone call.

(The last answer of the witness was read by the court reporter.)

THE WITNESS: And he turned around after he finished and walked out.

BY MR. MARKLE:

Q Now, if I am correct, -- question withdrawn.

Who let him into the premises?

A I don't know.

Q You don't recall who let him in?

A I wouldn't have been able to see it, you know.

Q Did he come in with anyone?

A I don't know. I don't think so. I saw him by himself. And I was sitting nearer to the wall so that no matter where he walked, he wouldn't be near me.

Q Were you sitting by the counter?

A Back, sort of behind it like.

Q And Mr. Sams and Mr. Rackley were walking on the other side of that counter?

A Yes, around it.

(Page 3204 follows; no omission.)

Q Did you see Rory Rithe in there on that given date, Tuesday morning?

A No.

Q So that would it be fair to say that the first time --

MR. GARRY: Just a minute.

Saw Rory Rithe where, in that premises, or in 127 Hurlburt Street?

I think the question should be clarified.

THE COURT: Oh, I think she understands what you are talking about, Orchard Street.

Is that what you are talking about, Mr. Markle?

MR. MARKLE: Absolutely, your Honor.

THE COURT: That's what he is talking about.

Did you have any confusion?

THE WITNESS: No, I didn't.

THE COURT: All right.

BY MR. MARKLE:

Q And the first time, if I am correct, that you saw Mr. Seale on that morning, after you had gotten out of the car and gone in the apartment, is when you went over to this table in the kitchen?

A Yes.

Q And you were sitting there?

A Yes.

Q And you saw him in and about this counter that's indicated on State's Exhibit VV? (Indicating)

A Yes.

Q And that's where it's indicated "counter," is that correct?

A Yes.

Q And did he stand there at that counter and try or utilize the phone? You don't know whether or not he received or took a call?

A That's correct.

Q That's correct?

A Yes.

Q And then what, if anything, did you observe?

A That he turned around after he finished and left.

Q And that previous night, when you had gone to the premises to check on your child, as I understand it, you had come in the front door and gone into the kitchen, is that correct?

A When I came in the night before?

Q Yes.

A Yes.

Q And you checked the counter for messages, --

A Yes.

Q -- is that correct?

A Yes.

Q And then you went over and talked to somebody over in this area of the table?

A Yes.

Q And so you cannot tell me whether or not Mr. Seale went in the premises while you were there, can you?

A Can I tell you that?

Q Yes. Of your own knowledge.

A I can tell you that I do not think that he was in there.

Q I'm not asking you what you think, Madam. I am asking you what you saw during the 20 minutes you were in there. You were in the kitchen, right?

A Yes.

Q So you don't know whether or not he went up those stairs, do you?

A I never saw him.

Q You never saw him?

A No.

Q Could you see those stairs from the kitchen?

A If I were standing by the counter, I could, yes.

Q Were you standing by the counter all that time, that 20 minutes you were in there?

A No.

Q So you can't tell me, of your own personal knowledge, whether he went in or not during those 20 minutes?

A No.

Q Now, after he was in there, he left, and did you see him drive off?

MISS RORABACK: What is he talking about, your Honor?

MR. MARKLE: I'm talking about Tuesday morning, after the phone call.

MISS RORABACK: Thank you.

THE COURT: All right.

THE WITNESS: He turned around, walked -- I heard the door slam. That's all I know.

BY MR. MARKLE:

Q And you did not -- question withdrawn.

Shortly thereafter, you got a call from California, is that right?

A Yes.

Q And that had to do with telling Mr. Seale not to go to Oregon because of a threatened bombing?

A Yes.

Q And that's the same message that was given you -- you wrote it out?

A Yes.

Q And you gave it to Mr. McLucas that Tuesday morning, right?

A Yes.

Q And did you -- how was Mr. McLucas dressed, if you know, that morning?

A I don't remember.

Q And he took that message that was written in your hand and left with Loretta Luckes and also with Margaret Huggins, right?

A Correct.

Q And your instructions at that time were to catch up with Chairman Seale and deliver the message?

A Yes.

Q And pursuant to your instructions, McLucas left, is that correct?

A Well, there weren't instructions. You know, I just asked him if he would do it. He said, "Yes."

Q Where did he get the keys from?

A I suppose -- the keys to the car?

Q Yes.

A I suppose he got them from Warren. I don't know.

Q Did you have occasion to tell Mr. Kimbro that Mr. Seale had been on the premises on that Tuesday morning, when you woke him up?

A Not that I remember.

Q You don't recall that?

A No.

Q You wouldn't say it didn't happen; it's just that you don't recall?

A I can't recall having a conversation with Warren that morning.

Q And you don't recall when Mr. McLucas got the keys to the Kimbro car?

A No.

Q But you know that Mr. McLucas left the premises with Loretta Luckes and Margaret Huggins?

A Yes.

Q And you didn't see him until when? When did you next see Mr. McLucas?

A Much later on; in the afternoon or early evening.

Q And where did you see him next?

A Where? Where?

Q Yes.

A At Orchard Street.

Q And, as I recall, what time did you see him?

A It must have been after we had come back from looking for Diane Toney.

Q That would be around 3:00 P. M.?

A Yes, around that time.

Q When you got back --

MISS RORABACK: I'm sorry, --

THE WITNESS: It could have been after that,
I'm not sure.

BY MR. MARKLE:

Q And when you finished looking for Diane Toney, you
came back to the apartment, isn't that right?

A Yes.

Q And Mr. McLucas was there, wasn't he?

THE COURT: Orchard Street?

MR. MARKLE: Orchard Street.

I'm sorry, your Honor. Yes.

THE WITNESS: I just said that I am not sure,
you know, but I don't think he was. I think it was
later.

BY MR. MARKLE:

Q Was Margaret Hudgins there?

A She was with him, so whenever he came in, --

Q Was your baby on those premises all that day, all
that Tuesday?

A Yes.

Q And who was taking care of the child?

A I believe that Rose Smith was.

Q Rose Smith?

A Yes.

Q And during that day, George Sams was on those premises, wasn't he?

A Yes.

Q And in point of fact, that's when the day is that you saw him twirling the gun, or playing with the gun, on the floor, isn't that right?

A Yes.

Q And at that time, and at that place, your child was on those premises?

A She was upstairs.

Q And where was she?

A I just said she was upstairs.

Q Yes. Where?

A In one of the bedrooms. I think the bedroom across from the bathroom.

Q So you think that she was in this bedroom, indicating the bedroom to the left of the Exhibit WW and ZZ, is that correct? (Indicating)

A Yes.

Q That's the room next to where Mr. Rackley was being held?

A Yes.

Q And did you go upstairs in the morning of Tuesday to

check on Mr. Rackley?

A Did I go up to check on him?

Q Yes.

A No.

Q Did you send any food up or bring anything up?

A No.

Q Was there any reason you didn't bring food up to him?

A Well, there was a reason, yes.

Q And you decided that you would -- you knew then he had not been fed?

A Let's say I took it for granted he had not been, because George Sams had ordered no one to feed him.

Q So then you knew that George Sams had given an order. When had he given this order?

A Someone told me about it.

Q Who told you?

A One of the sisters.

Q What sister?

A I don't remember which one.

Q When did she tell you?

A I don't know. It could have been -- it could have been that day, you know. I'm not sure.

Q Well, then you knew that this brother was not being fed, had been beaten and burned, is that correct?

A Yes.

Q And that he had a fever?

A I didn't know that.

Q You didn't hear that in the house at all?

A I had heard it, but I didn't know that.

Q Well, you didn't know that he had been ordered not to be fed, except that you heard that, too?

A Right.

Q And you accepted that?

A Right.

Q And you heard from brothers and sisters that he had a fever, is that not correct?

A Yes.

Q And that he was swollen and bruised?

A Yes.

Q And in great pain?

A Yes.

Q You knew all of that, didn't you?

A I had heard it.

Q And you had no thought of what was going to happen to him at all?

A I had thoughts, yes.

Q What was going to happen to him?

A I had thoughts.

Q You knew he was going to be killed, didn't you?

A No, I didn't.

Q You didn't know he was going to be killed?

A No.

Q No?

A No.

Q And during that afternoon, you told us that you went upstairs into the Rackley room, the room where Mr. Rackley was being held. Do you recall telling that to your counsel yesterday?

A Yes.

Q And at that time you saw Mr. Rackley yourself, didn't you?

A I looked at him, yes.

Q And you knew at that time that he was tied to the bed?

A Yes, that's what I saw.

Q His hands and legs were tied?

A I saw only his hands.

Q You didn't see his legs?

A No.

Q And that his neck had a wire hanger around it?

A I remember that there was something around his neck.

Q And he was lying there prone?

A Yes.

Q And wasn't Maude Francis in that room at that time?

A I don't remember who was in there with him.

Q Somebody was in that room, weren't they, standing security?

A I don't know.

Q You don't know?

A No.

Q Is it that you don't recall, or you don't know?

A I don't know.

end tk.

(Page 3216 follows; no omission.)

BY MR. MARKLE:

Q Were sisters assigned to stand security on Alex Rackley?

A Not to my knowledge.

Q So that if other persons have testified to that, it is not to your knowledge?

MR. GARRY: Just a moment. That's not a proper question, if your Honor please, what somebody else testified.

THE COURT: If she doesn't know, she doesn't know.

BY MR. MARKLE:

Q You did not see Maude Francis in that room?

A When I looked in there?

Q That's right.

A I don't remember who was in there.

Q Did you ever see Maude Francis in that room?

A No.

Q Did you ever see Rose Smith in that room?

A I was already in there at that time.

Q Did you see Rose Smith in that room?

A No.

Q Did you see Frances Carter in that room?

A No.

Q At 4:30, when you went up there into that room, where Mr. Backley was being held, how did it smell?

A I don't remember.

Q You don't remember that?

A I don't remember what?

Q How it smelled.

A I don't remember taking notice of it.

Q No notice at all?

A No.

Q You told us that you then had a conversation with Frances Carter?

A Yes.

Q Was she on the premises?

A I said -- yes, I said she was.

Q So on Tuesday afternoon, at about 4:30, Frances Carter was on those premises and that's when you had a conversation with her?

A Yes, and right after that she went to work.

Q Right after that, she went to work?

A Yes.

Q And Frances Carter, you don't know her whereabouts today?

A No, I don't.

Q But that conversation had nothing to do with Alex

Rackley, that's what you told us yesterday?

A Correct.

Q You had just seen him, but that had nothing to do with it?

A Right.

Q Where did that conversation take place with Frances Carter?

A I think that it was in the hallway.

Q Upstairs?

A Yes.

Q And had she just come out of that room where Rackley was, in fact?

A I don't think so. She was standing near the bathroom.

Q You were standing --

A Near the bathroom. I took it for granted she was using the bathroom.

Q Was the door to the Rackley room open or closed?

A I don't know.

Q When you went in and looked at him, did you have to open the door?

A I don't remember. It may have been open when I went to it.

Q And, now, if I recall, you then bathed your child?

A Yes.

Q And then you put the child to bed. That's in the room next to Rackley, where Mr. Rackley lay, is that correct?

A I don't know whether I put her to sleep in there or not.

Q You had just seen a man tied up in this bedroom, is that correct, the one to the right of the picture?

(Indicating)

A Yes.

Q You then went over to the bathroom?

A Yes.

Q You had a conversation in the hallway outside the bathroom with Frances Carter?

A Yes.

Q You then bathed your child in that bathroom?

A Yes.

Q And you then put your child to sleep. Where?

A I don't remember. It could have been in that bedroom or it could have been in the other one or I could have taken her downstairs. I don't remember, really.

Q And then you left, accompanied by Landon Williams and George Sams, isn't that a fact?

A Yes.

Q And where did you go?

A To get some chicken.

Q And, now, you had just seen Alex Rackley tied to the bed with the hanger around his neck and you went to get chicken, is that right?

MR. GARRY: That's argumentative, in the manner that he is asking that question, the relationship of the chicken and seeing Alex Rackley has no relationship.

THE COURT: Overruled.

MR. GARRY: Take an exception, your Honor.

THE COURT: Exception may be noted.

BY MR. MARKLE:

Q Is that correct?

A Would you repeat your question, please?

MR. MARKLE: May the question be read, your Honor.

THE COURT: It may be read.

(The previous question by Mr. Markle was read by the court reporter.)

THE WITNESS: I never said that I saw what was around his neck to be a hanger.

BY MR. MARKLE:

Q Excuse me?

A I said, I never said that I saw what was around his neck to be a hanger, but I did leave to go and get chicken, yes.

Q Are you telling me that when you saw him in that bedroom on Tuesday, May 20th, you did not know what that was a wire hanger around his neck?

A I didn't look at him very long. I looked at him, and I turned around and I left.

Q Did you administer any aid to him? Did you see if he was comfortable?

A No.

Q Did you talk to him?

A No, he looked to be asleep.

Q He looked to be asleep?

A Yes.

Q And you didn't talk to him?

A No.

Q You didn't try to find out if he needed anything?

A No.

Q But you definitely saw that his hands were tied?

A Yes.

Q And you are not sure it was a hanger around his neck?

MR. GARRY: That's been asked and answered at least seven times.

THE COURT: Overruled.

THE WITNESS: No.

BY MR. MARKLE:

Q Where did you go for that chicken?

A I don't know the street. It was a Kentucky Fried Chicken place.

Q And did you bring the chicken back to the house?

A Some of it.

Q Did you eat some of it?

A One piece.

Q And did George Sams and Landon Williams eat some of it?

A George Sams ate most of it.

Q Did Landon Williams eat some of it?

A He might have eaten a piece.

Q Just a piece?

A Yes.

Q In other words, you are telling me that Landon Williams was afraid of George Sams?

A Because he only ate one piece of chicken?

Q I don't --

A I'm just -- I don't understand what you mean.

Q Landon Williams only had one piece of chicken?

A Well, he didn't eat very much, you know.

Q Did you bring the rest back?

A Yes, what was left, yes.

Q And you gave it to the brothers and sisters on the premises?

A Yes, we sat in the kitchen.

Q But you gave none to Alex Rackley?

A Did I? No.

Q Did anyone go up and give it to him, that you know of?

A I wouldn't know.

Q And then it got dark, is that right -- question withdrawn.

While you were in the car driving to the Kentucky Chicken, did you have occasion to have a discussion with Landon Williams about Warren Kimbro?

A About Warren Kimbro, no.

Q About George Edwards?

A No.

Q About Alex Rackley?

A No.

Q About any of the brothers in New Haven?

A Not that I can remember.

Q So is it that you are telling me you can't recall the conversation but one could have taken place, it's just that you can't recall, is that it?

A I don't recall one now.

Q You don't recall it. Was Rory Hithe with you at that time?

A He could have been in the car, yes.

Q So it could have been Rory Hithe and it could have been Landon Williams and it could have been George Sams and yourself that went for the chicken?

A Yes.

Q And you are sure of George Sams?

A Definitely.

Q And you are sure there was Landon Williams?

A Yes.

Q And you are sure there was yourself?

A Yes.

Q And, in point of fact, there was Rory Hithe with you, too, and you did talk about New Haven?

A New Haven?

Q Straightening out the chapter.

A I said that Rory could have been in the car, and as far as New Haven and straightening out the chapter is concerned, there could have been things said, you know. But in terms of what? What do you mean?

Q In terms of strengthening the New Haven chapter, in terms of working with the Hartford people to get them straightened out, in terms of what happened in New York, the

infiltration, were not those things discussed in that car that day?

A Not to my knowledge.

Q You were in that car?

A Yes, I was.

Q You just don't recall?

A I don't recall, no. I know that George Sams was leading the conversation about other things and other people but, as far as New Haven is concerned, I don't remember much conversation.

Q Did George Sams mention Alex Rackley?

A No.

Q Did he mention Warren Kimbro?

A I remember him mentioning Warren Kimbro, yes.

Q What did he say about Warren Kimbro?

A That he was a punk.

Q That he was a punk. He said that in the car?

A Yes.

Q What did you say?

A I just looked at him. I didn't try to talk to him too much.

Q Who else did he talk about?

A Oh, everybody.

Q Everybody. And Landon didn't say anything, and Rory

didn't say anything?

A To George?

Q Yes.

A It was a wasted effort to try to say anything to George.

Q My question is, did they say anything to him?

MR. GARRY: I didn't hear the answer.

MR. MARKLE: I claim the answer wasn't responsive.

THE COURT: The answer wasn't responsive; the question was.

Would you read the question, Mr. Reporter.

(The last question by Mr. Markle was read by the court reporter.)

(Page 3228 follows; no omission.)

BY MR. MARKLE:

Q Rory Hithe, Landon Williams, did they say anything to George Sams?

A I don't remember, really.

Q You then came back to where, the four of you?

A We came back to Orchard Street.

Q And did Landon Williams and Rory Hithe come in the house?

A Yes.

Q And didn't they ask for -- didn't they ask Warren Kimbro and George Sams why Rackley wasn't ready?

A I never heard that.

Q You never heard that?

A No.

Q And didn't they then ask about whether or not there was a car ready?

A I never heard that.

Q Then they left for a while, didn't they?

A Who?

Q Rory Hithe and Landon Williams.

A I don't know.

Q As a matter of fact, didn't they go with you some place?

A (No response.)

Q Did you go back to your apartment with them?

A Not at that point, no.

Q Not at that point?

A Not that I remember.

Q Did they then come back to the house later?

A I didn't hear you.

Q Did they come back to the house later? They left that afternoon after you got back from that trip to get the chicken, didn't they?

A I don't know.

Q Well, you remained there, didn't you?

A Yes.

Q And that's Tuesday afternoon?

A Yes.

Q That was about 4:30 in the afternoon?

A It could have been later than that.

Q 5:00 o'clock?

A I don't really know.

Q They left the house?

A I don't know.

Q You don't know?

A No.

Q When did you next see Landon and Rory?

A Whenever it was that I went to Hurlburt Street,

Landon drove me.

Q Well, in point of fact, didn't you see Landon and Rory at the time in the kitchen of the Kimbro apartment when Mr. Kimbro was trying to secure a car?

A They could have been there.

Q They could have been there?

A Yes.

Q Are you telling me and this jury and this Court that you don't recall whether or not they were there when Mr. Rackley was taken out of that house?

MISS BORABACK: That's a different question now.

THE COURT: It's a different question. That's all right.

BY MR. MARKLE:

Q Weren't they there when Rackley was taken out?

A They could have been there, yes.

Q Could have been. Weren't they there?

MR. GARRY: I don't think counsel has to yell, your Honor.

THE COURT: Overruled.

THE WITNESS: I'm not saying they weren't there. That's not what I'm saying.

BY MR. MARKLE:

Q Didn't you see Mr. Rackley brought downstairs and

didn't you see -- you heard a rustling, you told us, and you turned around, you told us, and you saw him being led into the kitchen?

A By George Sams, yes.

Q And you told us that George Sams had his arm?

A Yes.

Q And Warren Kimbro was behind him?

A Yes.

Q And isn't it a fact that Landon Williams was leading them?

A I don't remember that.

Q You don't remember that. You have no recall of Landon Williams being in that kitchen that night?

A I didn't say that.

Q Well, what are you saying?

A I said that I don't really remember whether or not, but that he could have been there.

Q And you don't remember whether Rory Hithe was there?

A He could have been there, too.

Q Had you ever seen a man led out like that before?

A No, I hadn't.

Q And you don't recall who was in the room?

A That's one reason why I can't recall.

Q But you can remember distinctly George Sams had his

arm on him?

A Definitely.

Q And Warren Kimbro was behind him?

A Yes.

Q And you can remember distinctly that George Sans had a .45?

A Yes.

Q But you can't remember whether Landon Williams was there or Rory Withe?

A They weren't with Alex, so I wouldn't know.

Q They weren't with Alex?

A The reason that I remember Warren and George is that they were in front of and behind Alex Rackley.

MR. MARKLE: May I have that read, your Honor?

THE COURT: It may be read.

(The answer of the witness was read by the court reporter.)

BY MR. MARKLE:

Q And you don't remember whether or not Rory Withe was in front of Alex Rackley?

MR. GARRY: Been asked and answered.

MR. MARKLE: I claim it.

THE COURT: She has said no, she doesn't remember.
Sustained.

BY MR. MARKLE:

Q And you don't recall whether Rory Withe was there?

MR. GARRY: The same question has been asked and answered several times.

THE COURT: Sustain the objection. She says she doesn't remember.

BY MR. MARKLE:

Q Do you recall how Mr. Rackley was dressed when he was led out?

A No.

Q When you were in the kitchen and Mr. Kimbro was using the telephone to locate a car, who else was in that kitchen?

A I can remember Peggy being in there because she was directly across from me.

Q And who else?

A Maybe one or two of the other women.

Q And who went downstairs to get clothing?

A I don't remember anybody going down, but I remember Loretta coming up with some clothing.

Q And did you wonder where the clothing was going?

A Not really.

Q Not really?

A No.

Q People always carry clothing up and down in that apartment?

A Yes.

Q When had you seen people with clothing before that?

A Lots of times.

Q When?

A When people wanted something to wear.

Q And you didn't go up and see him get dressed?

A No, I didn't.

Q And when you went there -- question withdrawn.

Ashe came out, did you notice whether or not Mr. Rackley's hands were tied behind his back?

A No, I didn't.

Q You didn't notice that?

A No.

Q Did you notice whether or not he had a hanger around his neck?

A No, I didn't.

Q Did you see anybody throw anything over his shoulder?

A No, I don't think so.

MR. MARBLE: Will your Honor just bear with me one moment?

THE COURT: Surely.

BY MR. MARKLE:

Q Did you hear Mrs. Huggins testify that when Alex Rackley was taken out, in the kitchen was Landon Williams and Rory Hithe, herself and you and Loretta Luckes?

MR. GARRY: May I hear that question?

THE COURT: It may be read.

(The last question by Mr. Markle was read by the court reporter.)

THE WITNESS: I don't remember whether I heard her say that or not.

BY MR. MARKLE:

Q You don't recall whether she testified to that?

A No, I don't recall.

Q After Mr. Rackley was taken out -- now, there is, on this rear door, and I have reference to the first floor plan, there is a screen door and a door, is that not correct?

THE COURT: Why don't you start over again, Mr. Markle? You started off with "After Mr. Rackley" --

MR. MARKLE: I'm sorry, thank you.

BY MR. MARKLE:

Q On the rear door, there was a screen door and an actual door, isn't that true?

A I don't remember.

Q You don't recall that either?

A I remember a glass door.

Q Excuse me?

A I remember a glass door.

Q And you -- Mr. Rackley was taken out that rear door, wasn't he?

A Yes.

Q And you were sitting at this kitchen table, weren't you, reflected in the first floor plan? (Indicating)

A Yes.

Q So you had an opportunity to see him come past the counter, through this area (indicating) and out that rear door; isn't that correct?

A Well, I wasn't looking at him the whole time.

But that's the --

Q Who were you looking at?

A I was looking down at the table.

Q Did you know what was going to happen to him?

A No.

Q You had no idea?

A I didn't know what was happening.

Q You didn't know what was happening? You didn't ask anybody what was happening?

THE COURT: You shook your head?

A No, I didn't.

Q You didn't hear any of the sisters, did you hear -- withdrawn.

You hadn't heard any conversation about "dark clothing," "Get some dark clothing"?

A No, I didn't.

Q Or get "a car"?

A I heard some conversation about a car. But I didn't know, you know, what it had reference to.

Q Who was that conversation between?

A I don't remember who it was between. But Warren was talking to someone about the car.

Q And was Landon Williams and Rory Hithe there at that

time?

A I don't remember.

Q You don't recall?

A No.

Q And was George Sams there?

A I don't recall.

Q Was Lonnie McLucas there?

A I don't recall that either.

Q And this is -- you don't recall it. And this is the very same night that Mr. Rackley is taken out?

A Yes. But I was sitting at the kitchen table.

Q Well, you could see everybody, couldn't you?

A See everything? About -- what are you saying?

Q What was going on in the kitchen?

A See everything in the kitchen?

Q Yes.

A If I wished to.

Q And you could hear; it's not that large a kitchen, is it?

A No.

Q And you were sitting close to where that telephone was, weren't you?

A Well, sort of close to it, yes.

Q And you heard Lonnie McLucas use the expression,

"political power"?

A No.

Q Did you hear him use the phone?

A No.

Q You don't recall that. Was there another gentleman in there, that unknown male?

A There might have been.

MISS RORABACK: If your Honor please, can we specify the time when Mr. Markle is talking about?

BY MR. MARKLE:

Q What time was --

MR. MARK E: Thank you, I'll clear it up.

BY MR. MARKLE:

Q What time was Mr. Rackley taken out?

A I don't know.

Q Well, was it in the evening hours?

A Yes.

Q Late evening?

A Yes.

Q And who was in that kitchen when he was taken out?

A Well, I said I remembered, I remembered Peggy being there, and one of the women who was in the house, and George Sams, and Warren, and Alex.

Q And when they took him out, did you talk to anybody?

A No.

Q You talked to no one. Was anything said in the kitchen about "power to the People"?

A No.

Q No "right on," no nothing?

A No.

Q They just went right out?

A Yes.

Q And then, what did you do, after they'd taken Mr. Rackley out?

MISS RORABACK: If your Honor please, it's not part of the direct. And I think it's -- at this

point, the end of where the direct was, and I would claim that anything further is irrelevant.

THE COURT: No, no. I'll let it go in.

Go ahead.

BY MR. MARKLE:

Q What did you do?

A I sat there for a couple of minutes.

Q And then, what did you do?

A And shortly after that I went to Hurlburt Street.

Q With whom?

A I think that Landon drove me to Hurlburt Street.

Q And Rory Hithe too; isn't that a fact?

A Yes.

Q And they stayed with you at Hurlburt Street?

A They went to sleep, and I went to sleep.

Q And Margaret Huggins remained in the Kimbro apartment that night?

A Yes.

Q And your baby remained at the Kimbro apartment that night?

A I think I took her with me.

Q And Lonnie McLucas remained at the apartment that night?

A I don't know.

Q He didn't come to your apartment, did he?

A No.

Q And in point of fact, that very next day and that morning you got up and drove to Hartford for a political education class, didn't you?

MISS RORABACK: If your Honor please, we are getting into the next day.

MR. MARKLE: I claim it, your Honor. They went into -- way beyond what they did afterwards.

MISS RORABACK: I did not, your Honor.

THE COURT: I'll sustain the objection.

MR. MARKLE: May I have an exception, your Honor?

THE COURT: Exception noted.

BY MR. MARKLE:

Q Did you at any time after Mr. Rackley was led out of that apartment call anybody like your in-laws, clergymen --

A No, I didn't.

Q -- to help? And what was the condition as he came through that condition, when you saw him on that evening?

A I don't know what his physical condition was. But he looked very weak.

Q And it was obvious, was it not -- you say you did not see anything around his neck?

A I said I didn't recall seeing anything.

Q You have no recall at all?

A I can't be sure.

Q And you can't recall whether his hands were tied
or not?

MR. GARRY: This has been covered, your Honor.
Are we going over it again?

Q And you can't recall whether or not he had shoes on?

MR. GARRY: This has been asked and answered,
covered.

THE COURT: Asked and answered, Mr. Markle.

MR. MARKLE: Not the shoes.

THE COURT: She said she couldn't see his feet.

BY MR. MARKLE:

Q You couldn't see his feet when he went through the kitchen?

A That's correct.

Q Was there anything obstructing your view when he came to this area (indicating) of the kitchen, near the rear door?

A The table.

Q The table? You were sitting behind this table, weren't you?

A In order to see anyone, anyone's feet that walk by, I'd have to stand up.

Q Who remained in the apartment after Mr. Rackley was taken out?

A Who was there when I left?

Q Yes.

A Peggy.

Q Peggy Huggins?

A Yes. Loretta, Rose, and Maude, I think.

Q That's all?

A That's all I can remember.

Q And you left the apartment with Rory Withe and Landon Williams?

A Yes.

MR. MARKLE: I have no further questions,
your Honor.

THE COURT: I think we will recess for the day,
ladies and gentlemen.

I'll repeat what I have said in the past. Stay
away from news broadcasts, either radio or television,
any kind of newstories or magazines or papers or
any kind of periodicals or books concerning this
case, or any related case, and anything about the
Black Panther Party or any of its officials.

Of course, no discussions with anyone. Remember,
finally, that we wait until after all the evidence
is in before we have any discussion.

Have a pleasant evening, and safe home.

You're excused until 10:00 o'clock tomorrow
morning.

(The jury was excused at 4:25 P. M and the
trial was adjourned until Thursday morning, May 13th,
at 10:00 o'clock, A. M.)

W I T N E S S E S

<u>Name</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
ERICKA HUGGINS (By Mr. Markle)		2978		

EXHIBITS FOR THE STATE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
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IN THE SEALE CASE

YY	Sketch of 1st floor of Kimbro apartment		3017
ZZ	Sketch of 2nd floor of Kimbro apartment		3021

IN THE HUGGINS CASE

VV	Sketch of 1st floor of Kimbro apartment		3017
WW	Sketch of 2nd floor of Kimbro apartment		3021

EXHIBITS FOR THE DEFENSE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>FOR IDENT.</u>	<u>IN EVID.</u>
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DEFENDANT HUGGINS' EXHIBIT

XX

Tape

3183